THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934
VOLUME 23 NUMBER 18

Washington, Saturday, January 25, 1958

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 132]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.432 *Navel Orange Regulation 132*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges as hereinafter provided will tend to effectuate the declared policy of the act by tending to establish and maintain such orderly marketing conditions for such oranges as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season to avoid unreasonable fluctuations in supplies and prices, and is not for the purpose of maintaining prices to farmers above the level which it is declared to be the policy of Congress to establish under the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 23, 1958.

(b) *Order.* (1) The respective quantities of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., January 26, 1958, and ending at 12:01 a. m., P. s. t., February 2, 1958, are hereby fixed as follows:

(i) District 1: 531,300 cartons;
(ii) District 2: 277,200 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," "District 4," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 24, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-666; Filed, Jan. 24, 1958; 11:13 a. m.]

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

[Lemon Reg. 723]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF HANDLING

§ 953.830 *Lemon Regulation 723*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based becomes available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the

committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on January 22, 1958.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., January 26, 1958, and ending at 12:01 a. m., P. s. t., February 2, 1958, are hereby fixed as follows:

(i) District 1: 18,600 cartons;

(ii) District 2: 167,400 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 23, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-642; Filed, Jan. 24, 1958; 8:51 a. m.]

[Grapefruit Reg. 118]

PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF SAN GORGONIO PASS

LIMITATION OF SHIPMENTS

§ 955.379 *Grapefruit Regulation 118*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than January 26, 1958. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 13, 1957, and will so continue until January 26, 1958; the recommendation and supporting information for continued regulation subsequent to January 25, 1958, were promptly submitted to the Department after an open meeting of the Administrative Committee on January 16, 1958; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., January 26, 1958, and ending at 12:01 a. m., P. s. t., February 16, 1958, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit are well colored, and otherwise grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than 3 11/16 inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than 3 9/16 inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerance, specified in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.925–51.955: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than 3 11/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 4 2/16 inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3 9/16 inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3 13/16 inches in diameter and smaller.

(2) As used herein, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2" and "well colored" shall each have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.925–51.955.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: January 21, 1958.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F. R. Doc. 58-579; Filed, Jan. 24, 1958; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter E—Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors

PART 112—LABELS AND SAMPLES

REQUIRED AND PERMITTED INFORMATION

On December 3, 1957, there was published in the FEDERAL REGISTER (22 F. R. 9678) a notice of rulemaking under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) concerning a proposed amendment of § 112.2 (a) (2) of the regulations (9 CFR 112.2 (a) (2) as amended), under the virus-serum-toxin provisions of the act of March 4, 1913 (21 U. S. C. 151 et seq.). After due consideration of all relevant matters presented with respect to the proposed amendment and under the authority of said act, said § 112.2 (a) (2) is hereby further amended to read:

(2) In the case of product manufactured in the United States, the name and address of the licensee, or of the subsidiary which manufactured the product, when named in the license as provided in § 102.4 (d) of this subchapter, and in the case of foreign-manufactured product offered for importation, the name and address of the permittee and of the foreign manufacturer: *Provided,* That when the licensee has more than one establishment, one street address only shall be given, although the general location of each licensed establishment in such case may be stated;

The purposes of this amendment are to modify the requirements with respect to labeling of biological products (for use in the treatment of domestic animals) produced by corporations which are actual producing subsidiaries of a licensee, and to impose certain requirements for the labeling of biologicals for such use, produced in foreign countries and

imported into the United States, which are consistent with the labeling requirements applicable to domestically produced biologicals.

Insofar as the foregoing admendment relates to products manufactured in the United States, it relieves restrictions and, under section 4 of the Administrative Procedure Act, may be made effective less than 30 days after publication in the FEDERAL REGISTER. The amendment also imposes new requirements with respect to imported products and these requirements should be made effective as soon as possible to give the fullest protection to the purchasers and users of such products in the United States. Therefore, under said section 4, good cause is found for making the new requirements effective less than 30 days after publication in the FEDERAL REGISTER.

(37 Stat. 832; 21 U. S. C. 154)

The foregoing amendment shall become effective immediately upon publication in the FEDERAL REGISTER.

Done at Washington, D. C., this 22d day of January 1958.

[SEAL] M. R. CLARKSON,
Acting Administrator,
Agricultural Research Service.

[F. R. Doc. 58-588; Filed, Jan. 24, 1958; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 2]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.220 *Red civil airway No. 20 (Lansing, Mich., to Washington, D. C.)* is amended by adding the following to airway: "excluding the portion below 6,000 feet MSL which lies over Patuxent restricted area (R-71)."

2. Section 600.6002 *VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by changing the portion which reads: "La Crosse, Wis., omnirange station, including a north alternate;" to read: "Nodine, Minn., omnirange station, including a north alternate;".

3. Section 600.6005 *VOR civil airway No. 5 (Jacksonville, Fla., to London, Ontario)* is amended by changing the portion which reads: "Chattanooga, Tenn., omnirange station, including a west alternate from the Alma, Ga., omnirange station to the Chattanooga, Tenn., omnirange station via the intersection of the Alma omnirange 305° True and the Atlanta omnirange 151° True radials, the Atlanta, Ga., omnirange station and the intersection of the Atlanta omnirange 352° True and the Chattanooga omnirange 152° True radials;" to read: "Chattanooga, Tenn., omnirange station, including a west alternate from the Alma omnirange station to the Chattanooga omnirange station via the intersection of the Alma omnirange 305° and the Vienna omnirange 135° radials, the Vienna, Ga., omnirange station, the Atlanta, Ga., omnirange station and the intersection of the Atlanta omnirange 355° and the Chattanooga omnirange 152° radials;".

4. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "Morman Mesa, Nev., omnirange station;" to read: "Mormon Mesa, Nev., omnirage station, including a south alternate via the intersection of the Las Vegas omnirange 081° and the Mormon Mesa omnirange 201° radials;".

5. Section 600.6009 is amended by changing the caption to read: *"VOR civil airway No. 9 (New Orleans, La., to Green Bay, Wis.)"* and by changing all after the Naperville, Ill., omnirange station to read: "Naperville, Ill., omnirange station; point of intersection of the Janesville, Wis., omnirange 098° and the Milwaukee omnirange 192° radials; Milwaukee, Wis., omnirange station, including a west alternate via the intersection of the Naperville omnirange 317° and the Milwaukee omnirange 207° radials; Oshkosh, Wis., omnirange station; to the Green Bay, Wis., omnirange station."

6. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing the portion which reads: "Tucumcari, N. Mex., omnirange station, including a north alternate via the intersection of the Anton Chico omnirange 067° True and the Tucumcari omnirange 289° True radials;" to read: "Tucumcari, N. Mex., omnirange station, including a north alternate via the intersection of the Anton Chico omnirange 067° and the Tucumcari omnirange 291° radials;".

7. Section 600.6021 *VOR civil airway No. 21 (Long Beach, Calif., to United States-Canadian Border)* is amended by changing the portion which reads: "Mormon Mesa, Nev., omnirange station, including an east alternate from the Las Vegas omnirange station to the Mormon Mesa omnirange station via the intersection of the Las Vegas omnirange 086° True and the Needles, Calif., omnirange direct radial to the Mormon Mesa omnirange station;" to read: "Mormon Mesa, Nev., omnirange station, including an east alternate via the intersection of the Las Vegas omnirange 081° radial with the Needles, Calif., omnirange direct radial to the Mormon Mesa omnirange station;".

8. Section 600.6024 is amended to read:

§ 600.6024 *VOR civil airway No. 24 (Aberdeen, S. Dak., to Lone Rock, Wis.).* From the Aberdeen, S. Dak., omnirange station via the Watertown, S. Dak., omnirange station, including a north alternate; Redwood Falls, Minn., omnirange station, including a north alternate via the intersection of the Watertown omnirange 085° and the Redwood Falls omnirange 305° radials; Rochester, Minn., omnirange station; intersection of the Rochester omnirange 113° and the Lone Rock omnirange 287° radials; to the Lone Rock, Wis., omnirange station.

9. Section 600.6035 *VOR civil airway No. 35 (Miami, Fla., to Syracuse, N. Y.)* is amended by changing the portion which reads: "Macon, Ga., omnirange station;" to read: "Macon, Ga., omnirange station, including a west alternate via the intersection of the Albany omnirange 010° and the Macon omnirange 228° radials;".

10. Section 600.6037 *VOR civil airway No. 37 (Savannah, Ga., to Erie, Pa.)* is amended by changing the portion which reads: "Charlotte, N. C., omnirange station;" to read: "Charlotte, N. C., omnirange station, including a west alternate via the intersection of the Columbia omnirange 329° and the Charlotte omnirange 209° radials;".

11. Section 600.6051 *VOR civil airway No. 51 (Miami, Fla., to Chicago, Ill.)* is amended by changing the portion which reads: "Chattanooga, Tenn., omnirange station, including a west alternate from the Alma, Ga., omnirange station to the Chattanooga, Tenn., omnirange station via the intersection of the Alma omnirange 305° True and the Atlanta omnirange 151° True radials, the Atlanta, Ga., omnirange station and the intersection of the Atlanta omnirange 352° True and the Chattanooga omnirange 152° True radials;" to read: "Chattanooga, Tenn., omnirange station, including a west alternate from the Alma omnirange station to the Chattanooga omnirange station via the intersection of the Alma omnirange 305° and the Vienna omnirange 135° radials, the Vienna, Ga., omnirange station, the Atlanta, Ga., omnirange station and the intersection of the Atlanta omnirange 355° and the Chattanooga omnirange 152° radials;".

12. Section 600.6082 is amended to read:

§ 600.6082 *VOR civil airway No. 82 (Minneapolis, Minn., to Nodine, Minn.).* From the Minneapolis, Minn., omnirange station via the Rochester, Minn., omnirange station, including a south alternate via the intersection of the Minneapolis omnirange 179° and the Rochester 318° radials; to the Nodine, Minn., omnirange station, including a south alternate via the intersection of the Rochester omnirange 113° and the Nodine omnirange 257° radials.

13. Section 600.6097 *VOR civil airway No. 97 (Miami, Fla., to Minneapolis, Minn.)* is amended by changing the portion which reads: "La Crosse, Wis., omnirange station; intersection of the La Crosse omnirange 311° True radial and the Minneapolis-St. Paul International Airport ILS 121° True localizer course; to the Minneapolis-St. Paul, Minn., International Airport ILS localizer." to read: "Nodine, Minn., omnirange station; point of intersection of the Nodine omnirange direct radial to the Minneapolis omnirange station with the Minneapolis-St. Paul International Airport ILS 121° localizer course; to the Minneapolis-

St. Paul, Minn., International Airport ILS localizer."

14. Section 600.6111 is amended to read:

§ 600.6111 *VOR civil airway No. 111 (Salinas, Calif., to Los Banos, Calif.).* From the Salinas, Calif., omnirange station to the point of intersection of the Salinas omnirange 049° radial with the Coalinga, Calif., omnirange direct radial to the Oakland, Calif., omnirange station.

15. Section 600.6129 *VOR civil airway No. 129 (Rockford, Ill., to Eau Claire, Wis.)* is amended by changing the portion which reads: "La Crosse, Wis., omnirange station;" to read: "Nodine, Minn., omnirange station;".

16. Section 600.6133 is amended by changing the caption to read: *"VOR civil airway No. 133 (Charlotte, N. C., to Traverse City, Mich.)"* and by changing all before the Zanesville, Ohio, omnirange station to read: "From the Charlotte, N. C., omnirange station via the Hickory, N. C., omnirange station; to the Charleston, W. Va., omnirange station. From the point of intersection of the Parkersburg omnirange 172° radial with the Charleston, W. Va., omnirange direct radial to the Morgantown, W. Va., omnirange station via the Parkersburg, W. Va., omnirange station; Zanesville, Ohio, omnirange station;".

17. Section 600.6197 is added to read:

§ 600.6197 *VOR civil airway No. 197 (Las Vegas, N. Mex., to Pueblo, Colo.).* From the Las Vegas, N. Mex., omnirange station to the Pueblo, Colo., omnirange station.

18. Section 600.6228 is amended to read:

§ 600.6228 *VOR civil airway No. 228 (Wheeling, Ill., to South Bend, Ind.).* From the Northbrook, Ill., omnirange station to the South Bend, Ind., omnirange station, including a north alternate via the intersection of the Northbrook omnirange 093° and the South Bend omnirange 308° radials.

19. Section 600.6259 is amended to read:

§ 600.6259 *VOR civil airway No. 259 (Charlotte, N. C., to Tri-City, Tenn.).* From Charlotte, N. C., omnirange station to the Tri-City, Tenn., omnirange station, including an east alternate from the Charlotte omnirange to the Tri-City omnirange station via the Hickory, N. C., omnirange station and the intersection of the Hickory omnirange 302° and the Tri-City omnirange 146° radials.

20. Section 600.6297 is added to read:

§ 600.6297 *VOR civil airway No. 297.* [Unassigned.]

21. Section 600.6298 is added to read:

§ 600.6298 *VOR civil airway No. 298* [Unassigned.]

22. Section 600.6299 is added to read:

§ 600.6299 *VOR civil airway No. 299 (Los Angeles, Calif., to Bakersfield, Calif.).* From the Los Angeles, Calif., omnirange station via the Gorman, Calif., omnirange station; to the Bakersfield, Calif., omnirange station.

23. Section 600.6602 *VOR civil airway No. 1502 (San Francisco, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "to the Redwood Falls, Minn., omnirange station. From the Lone Rock, Wis., omnirange station via the intersection of the Lone Rock omnirange 103° True and the Milwaukee omnirange 273° True radials;" to read: "Redwood Falls, Minn., omnirange station; Rochester, Minn., omnirange station; intersection of the Rochester omnirange 113° and the Lone Rock omnirange 287° radials; Lone Rock, Wis., omnirange station; intersection of the Lone Rock omnirange 103° and the Milwaukee omnirange 273° radials;".

24. Section 600.6608 *VOR civil airways No. 1508 (Los Angeles, Calif., to New York, N. Y.)* is amended by changing the portion which reads: "to the Milford, Utah, omnirange station." to read: "Milford, Utah, omnirange station; Myton, Utah, omnirange station; to the Laramie, Wyo., omnirange station."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply Sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. February 13, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JANUARY 17, 1958.

[F. R. Doc. 58-570; Filed, Jan. 24, 1958; 8:45 a. m.]

[Amdt. 2]

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1240 *Control area extension (Tyler, Tex.)* is amended by adding the following portion to present control area: "and including the airspace within 5 miles either side of the 248° radial of the Gregg County omnirange extending southwestward from the omnirange station to the Tyler 25-mile radius control area."

2. Section 601.1243 *Control area extension (La Crosse, Wis.)* is amended by changing the name "La Crosse omnirange station" to read: "La Crosse terminal omnirange station."

3. Section 601.1260 *Control area extension (Altus, Okla.)* is amended by adding the following portion to present control area extension: "All of the airspace southwest of Altus AFB bounded on the northeast by VOR civil airway No. 114, on the south by VOR civil airway No. 102 and on the northwest by VOR civil airway No. 14."

4. Section 601.1360 *Control area extension (Abilene, Tex.)* is amended by adding the following portion to present control area: "including the airspace southwest of Abilene bounded on the northwest by VOR civil airway No. 66, on the east by VOR civil airway No. 77E, on the south by the San Angelo, Tex., control area extension (601.1196), and on the southwest by VOR civil airway No. 76N."

5. Section 601.1448 is added to read:

§ 601.1448 *Control area extension (Mineral Wells, Tex.).* The airspace southwest of Mineral Wells bounded on the south by VOR civil airway No. 94, on the east by VOR civil airway No. 163 and on the northwest by VOR civil airway No. 16S.

6. Section 601.1449 is added to read:

§ 601.1449 *Control area extension (New Philadelphia, Ohio).* The airspace bounded on the west by Blue civil airway No. 81, on the north and northeast by VOR civil airway No. 92 and on the south by VOR civil airway No. 210.

7. Section 601.1984 *Five-mile radius zones* is amended by deleting the following airport: Wilkes-Barre, Pa.: Wilkes-Barre-Scranton Airport.

8. Section 601.2080 is amended to read:

§ 601.2080 *Wichita, Kans., control zone.* Within a 5-mile radius of the Wichita Municipal Airport, within 2 miles either side of the Wichita ILS localizer course extending from the localizer to a point 10 miles south of the ILS outer compass locater, within 2 miles either side of the 360°/180° radials of the Wichita omnirange extending from the 5-mile radius zone to a point 10 miles north of the omnirange station, within a 7-mile radius of McConnell Air Force Base, Wichita, Kans., and within 2 miles either side of the McConnell AFB ILS localizer course extending from the localizer to a point 10 miles south of the McConnell AFB ILS outer marker.

9. Section 601.2221 is amended to read:

§ 601.2221 *La Crosse, Wis., control zone.* Within a 5-mile radius of the La Crosse Municipal Airport, within 2 miles either side of the northwest course of the La Crosse radio range extending from the radio range station to a point 10 miles northwest, within 2 miles either side of the 227° radial of the La Crosse TVOR extending from the TVOR to a point 12 miles southwest, and within 2 miles either side of the 146° radial of the La Crosse TVOR extending from the TVOR to a point 10 miles southeast.

10. Section 601.2358 *Clovis, N. Mex., control zone* is amended by changing the

name "Clovis Air Force Base" to read: "Cannon Air Force Base".

11. Section 601.2337 *Wausau, Wis., control zone* is amended by changing the name "Alexander Airport" to read: "Wausau Municipal Airport".

12. Section 601.2418 is added to read:

§ 601.2418 *Chicago, Ill., control zone.* Within a 3-mile radius of Meigs Airport, Chicago, Ill., excluding the area lying west of longitude 870°38'00".

13. Section 601.2419 is added to read:

§ 601.2419 *Wilkes-Barre, Pa., control zone.* Within a 5-mile radius of the Wilkes-Barre-Scranton Airport and within 2 miles either side of the extended centerline of Runway 4 extending to the Crystal Lake, Pa., non-directional radio beacon.

14. Section 601.4213 *Red civil airway No. 13 (Wheeling, W. Va., to Boston, Mass.)* is amended by adding the following reporting point: "the intersection of the north course of the Providence, R. I., radio range and the southwest course of the Boston, Mass., radio range."

15. Section 601.6009 is amended to read:

§ 601.6009 *VOR civil airway No. 9 control areas (New Orleans, La., to Green Bay, Wis.).* All of VOR civil airway No. 9 including east and west alternates.

16. Section 601.6024 is amended to read:

§ 601.6024 *VOR civil airway No. 24 control areas (Aberdeen, S. Dak., to Lone Rock, Wis.).* All of VOR civil airway No. 24 including north alternates.

17. Section 601.6035 is amended to read:

§ 601.6035 *VOR civil airway No. 35 control areas (Miami, Fla., to Syracuse, N. Y.).* All of VOR civil airway No. 35 including a west alternate and also including an east alternate from the Elmira, N. Y., omnirange station to the Syracuse, N. Y., omnirange station, but excluding the airspace between the main airway and its east alternate. The airspace below 2,000 feet, mean sea level, which lies beyond the continental limits of the United States is excluded.

18. Section 601.6037 is amended to read:

§ 601.6037 *VOR civil airway No. 37 control areas (Savannah, Ga., to Erie, Pa.).* All of VOR civil airway No. 37 including a west alternate.

19. Section 601.6082 is amended to read:

§ 601.6082 *VOR civil airway No. 82 control areas (Minneapolis, Minn., to Nodine, Minn.).* All of VOR civil airway No. 82, including south alternates.

20. Section 601.6133 is amended to read:

§ 601.6133 *VOR civil airway No. 133 control areas (Charlotte, N. C., to Traverse City, Mich.).* All of VOR civil airway No. 133.

21. Section 601.6197 is added to read:

§ 601.6197 *VOR civil airway No. 197 (Las Vegas, N. Mex., to Pueblo, Colo.).* All of VOR civil airway No. 197.

22. Section 601.6228 is amended to read:

§ 601.6228 *VOR civil airway No. 228 control areas (Wheeling, Ill., to South Bend, Ind.).* All of VOR civil airway No. 228 including a north alternate.

23. Section 601.6259 is amended to read:

§ 601.6259 *VOR civil airway No. 259 control areas (Charlotte, N. C., to Tri-City, Tenn.).* All of VOR civil airway No. 259 including an east alternate, but excluding the airspace between the main airway and its east alternate.

24. Section 601.6297 is added to read:

§ 601.6297 *VOR civil airway No. 297 control areas.* [Unassigned.]

25. Section 601.6298 is added to read:

§ 601.6298 *VOR civil airway No. 298 control areas.* [Unassigned.]

26. Section 601.6299 is added to read:

§ 601.6299 *VOR civil airway No. 299 control areas (Los Angeles, Calif., to Bakersfield, Calif.).* All of VOR civil airway No. 299.

27. Section 601.7001 *VOR domestic reporting points* is amended by adding the following reporting points:

Nantucket, Mass., omnirange station.
Presque Isle, Maine, omnirange station.
Westminster, Md., omnirange station.
Woodstown, N. J., omnirange station.
Oshkosh, Wis., omnirange station.
Nodine, Minn., omnirange station.
San Simon, Ariz., omnirange station.
Fairport Intersection: The intersection of the Cleveland, Ohio, omnirange 049° True and the Jefferson, Ohio, omnirange 279° True radials.
Titusville Intersection: The intersection of the Fitzgerald, Pa., omnirange 304° True and the Bradford, Pa., omnirange 260° True radials.
Franklin Intersection: The intersection of the Gardner, Mass., omnirange 132° True and the Boston, Mass., omnirange 223° True radials.

by revoking the following reporting points:

North Perry Intersection: The intersection of the Jefferson, Ohio, omnirange 279° True and the Youngstown, Ohio, omnirange 320° True radials.
Dayton Intersection: The intersection of the Westminster, Md., omnirange 179° True and the Baltimore, Md., omnirange 281° True radials.
La Crosse, Wis., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., February 13, 1958.

[SEAL] WILLIAM B. DAVIS,
Acting Administrator of Civil Aeronautics.

JANUARY 17, 1958.

[F. R. Doc. 58-571; Filed, Jan. 24, 1958; 8:45 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 231—INTERPRETATIVE RELEASES RELATING TO SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

STATEMENT REGARDING TRADING STAMPS

§ 231.3890 *Statement of the Commission regarding trading stamps.* The Food Industry Alliance has submitted to the Commission memoranda urging that trading stamps are "securities" within the definition of that term in section 2 (1) of the Securities Act of 1933 and therefore subject to the registration provisions of the act. Opposing views have been submitted by Sperry & Hutchinson, an established trading stamp company. The trading stamps referred to are the ordinary ones which are sold to retail merchants, who give these stamps to their customers who, in turn, may redeem them for cash or merchandise.

The General Counsel has advised the Commission that it is his view that such stamps are not securities within the meaning of the act. The Commission concurs in this conclusion.

The Food Industry's basic argument is that an "evidence of indebtedness" is included in the statute's definition of a security, and that a trading stamp is an "evidence of indebtedness". However, the same argument could be made as to streetcar tokens, meal tickets, Christmas gift certificates, box tops, railroad or theatre tickets and others too numerous to mention. The legislative history and other provisions of the statute indicate that the Congress did not intend to include such items within the scope of the statute.

The Food Industry also suggests that trading stamps could be used as a method of corporate financing and thereby become subject to the act. With respect to the established trading stamp companies, no information to indicate the existence of such practices has been furnished. If such a situation is presented in a particular case, the Commission will consider the applicability of the statute to the facts of that case.

The Commission emphasizes that this release is concerned only with trading stamps redeemable in cash or merchandise. If they are redeemable in securities, then the stamps are also securities since such stamp would be a "certificate of interest or participation in, temporary or interim certificate for * * * or warrant or right to subscribe to or purchase" a security.

This release becomes effective January 21, 1958.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

JANUARY 17, 1958.

[F. R. Doc. 58-578; Filed, Jan. 24, 1958; 8:47 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

BLUE RIDGE PARKWAY; PARKING AND CROSSING PERMITS FOR HUNTERS

1. Paragraph (d) *Parking and crossing permits for hunters* of § 20.34 *Blue Ridge Parkway* is hereby amended to read as follows:

(d) *Parking and crossing permits for hunters.* During the hunting seasons prescribed by the States of North Carolina and Virginia between the dates of October 16 and January 31 hunters may, under permits issued by the Superintendent, park vehicles in designated parking areas and cross Parkway lands from and to their vehicles with dogs on leash, firearms with breach or chamber open, and wildlife lawfully killed on lands adjacent to the Parkway. The loading or unloading of any hunter, dog, or game from any point within the Parkway boundaries other than at previously designated parking areas is prohibited.

(Sec. 3, 39 Stat. 535, as amended; 16 U.S.C.3)

Issued this 25th day of November 1957.

[SEAL] SAM P. WEEMS,
Superintendent,
Blue Ridge Parkway.

[F. R. Doc. 58-573; Filed, Jan. 24, 1958; 8:46 a. m.]

Chapter II—Forest Service, Department of Agriculture

PART 211—ADMINISTRATION

APPEALS FROM ADMINISTRATIVE ACTION

Section 211.2 (a) (2) is hereby revised to read as follows:

(2) When an appeal under this paragraph is to the Chief of the Forest Service from an action or decision of the regional forester or comparable officer the procedure and review will be in accordance with this subparagraph. Unless the appellant requests in writing that the review by the Chief be on the statements and records and in the manner described in subparagraph (1) of this paragraph, the notice of appeal shall be accompanied by a petition in triplicate setting forth (i) the reasons why the action or decision appealed from its contrary to, or in conflict with, the facts, the law, or the regulations of the Secretary and (ii) the relief requested. Upon receipt of the notice of appeal the Chief of the Forest Service will file the notice of appeal and the copies of the petition with the Hearing Clerk of the Department, who will docket the case and serve one copy of the petition on the regional forester or comparable officer. The appropriate regional forester or comparable officer shall within 30 days of the receipt of the petition file a motion, answer or other responsive pleading with the Hearing Clerk. Thereupon the Hearing Clerk will refer the docket to the Chief Hearing Examiner. The Chief Hearing Examiner will designate a hearing examiner to act on preliminary matters, to fix the time and place for a hearing, and to conduct the hearing, administer oaths and affirmations, and do all acts and take all measures necessary for the maintenance of order at the hearing, and to assure that all parties are afforded a full and complete hearing. The hearing examiner will require the testimony of witnesses to be under oath or affirmation and subject to cross examination. He will receive only evidence which is germane to the issues involved and shall exclude evidence which is immaterial, irrelevant or unduly repetitious or which is not the sort upon which responsible persons are accustomed to rely. At the close of the hearing, the hearing examiner shall specify a time for the filing of briefs. All papers and documents filed in the proceeding shall be filed in triplicate, either with the hearing examiner, if filed during the hearing, or with the Hearing Clerk, if filed at other times, who shall serve copies thereof by mail or in person upon the opposite party or his attorney or agent of record. As soon as the time for the filing of briefs has expired, the Hearing Clerk shall transmit the entire record to the Chief of the Forest Service. The Chief of the Forest Service will render a decision based exclusively on said record, and advise both the appellant and the subordinate officer of his decision: *Provided,* That, if the Chief of the Forest Service determines that the record is inadequate to support a proper decision, he may order a further hearing.

(30 Stat. 35 as amended; 16 U. S. C. 551)

Done at Washington, D. C. this 22d day of January, 1958.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 58-592; Filed, Jan. 24, 1958; 8:50 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 990]

[Docket No. AO-302]

MILK IN SOUTHEASTERN NEW ENGLAND MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937 as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Empire Room, Crown Hotel, Weybosset Street, Providence, Rhode Island, beginning at 10:00 a. m., e. s. t., on February 11, 1958, with respect to a proposed marketing agreement and order to regulate the handling of milk in the Southeastern New England marketing area.

This public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions, which relate to the proposed marketing agreement and order, hereinafter set forth, and any appropriate modifications thereof; and for the purpose of determining (1) whether the handling of milk in the area proposed for regulation is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) whether there is need for a marketing agreement or order regulating the handling of milk in the area, and (3) whether provisions specified in the proposals or some other provisions appropriate to the terms of the Agricultural Marketing Agreement Act of 1937 as amended, will tend to effectuate the declared policy of the Act.

The proposals set forth below have not received the approval of the Secretary of Agriculture.

Proposed by the New Bedford Milk Producers' Association, Inc.

Proposal No. 1:

DEFINITIONS

SECTION 1. *General definitions.* (a) "Act" means public Act No. 10, 73d Congress, as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Fall River-New Bedford, Massachusetts, marketing area," also referred to as the "marketing area" means the territory included within the boundary lines of the following Massachusetts cities and towns:

Acushnet.	New Bedford.
Dartmouth.	Rochester.
Fairhaven.	Somerset.
Fall River.	Swansea.
Freetown.	Westport.
Mattapoisett.	

and the following Rhode Island cities and towns:

Little Compton.	Portsmouth.
Middletown.	Tiverton.
Newport.	

(c) "Order", used with the name of a marketing area other than the Fall River-New Bedford, Massachusetts, marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

SEC. 2. *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk during any of the preceding months of October through February, except that the term shall not include any person who was a producer-handler during any of the preceding months of October through February, nor any dairy farmer from whom the handler received nonpool milk during such months of October through February only at a plant which met all the applicable requirements for pool plant status under this order in those months except that it was a pool plant under the Boston order.

(e) "Producer" means any dairy farmer whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, and a producer-handler. The term shall also include a dairy farmer with respect to his operation of a farm from which milk is ordinarily delivered to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to section 30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy farmer who is a producer under the Boston, Merrimack Valley, Springfield or Worcester orders, with respect to milk diverted from the plant subject to the other order to which the dairy farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act," and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who, in a given month, operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who is both a handler and a dairy farmer, and who receives no milk from dairy farmers except producer-handlers, and who during the calendar month disposes of no more than 1,000 quarts on a daily average of fluid milk products in the marketing area.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products, other than cream, are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

SEC. 3. *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant which is located within 100 miles of Fall River, Massachusetts, as determined in the manner set forth in section 42.

(c) "Country plant" means any plant which is located beyond 100 miles of Fall River, Massachusetts, as determined in the manner set forth in section 42.

(d) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

(e) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in sections 20, 21, 22, and 23, for being considered a pool plant in that month.

(f) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

SEC. 4. *Definitions of milk and milk products.* (a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight, of "half and half."

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half."

(c) "Half and half" means any fluid milk product, except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of one percent of butterfat.

(e) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(f) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk from producers.

(g) "Outside milk" means:

(1) All milk received from dairy farmers for other markets; and any fluid milk products, other than cream and exempt milk, which are received in bulk from producer-handlers at the regulated plant of a pool handler or a buyer-handler;

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt milk, receipts from New York order pool plants which are assigned to Class I milk pursuant to section 27, and receipts from regulated plants under the Boston, Merrimack Valley, Springfield, or Worcester orders;

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Boston, Merrimack Valley, Springfield, or Worcester orders, without its intermediate movement to another plant.

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for human consumption in fluid form.

(i) "Exempt milk" means:

(1) Milk received at a regulated plant in bulk from the dairy farmer who produced it, for processing and packaging, and for which an equivalent quantity of packaged fluid milk products, other than cream, is returned to the dairy farmer during the same month;

(2) Milk received at a regulated plant in bulk from an unregulated plant to be processed and packaged, and for which an equivalent quantity of packaged fluid milk products, other than cream, is returned to the operator of the unregulated plant during the same month, if such receipt of bulk milk and return of packaged fluid milk products occurs during an interval in which the facilities of the unregulated plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar

extraordinary circumstances completely beyond the dealer's control; or

(3) Packaged fluid milk products, other than cream, received at a regulated plant from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and packaging during the same month.

(j) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to consumers and have not been removed from those containers prior to such disposition.

MARKET ADMINISTRATOR

SEC 10. *Designation of market administrator.* The agency for the administration of this order shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

SEC. 11. *Powers of market administrator.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) to make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

SEC. 12. *Duties of market administrator.* The market administrator, in addition to the duties described in other sections of this order, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by section 72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this order;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

SEC. 15. *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to sections 16, 17, and 18, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or buttermilk;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

SEC. 16. *Classification of interplant movements of fluid products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to sections 25 and 26;

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established;

(c) If moved to a producer-handler's plant, or to any unregulated plant except a plant subject to the New York, Boston, Merrimack Valley, Springfield, or Worcester orders, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved;

(d) If moved to a plant subject to the Boston order, or moved in bulk to a plant subject to the Merrimack Valley, Springfield, or Worcester orders, they shall be classified in the class to which the recepit is assigned under the other order;

(e) If moved in packaged form to a plant subject to the Merrimack Valley, Springfield, or Worcester orders, they shall be classified as Class I milk;

(f) If moved to a plant subject to the New York order, they shall be classified as Class I milk if assigned to Classes I–A or I–B under that order; otherwise they shall be classified as Class II milk; and

(g) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the New York, Boston, Merrimack Valley, Springfield, or Worcester orders, and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (f) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk.

SEC. 17. *Classification of interplant movements of cream, and of milk products other than fluid milk products.* Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

SEC. 18. *Responsibility of handlers in establishing the classification of milk.* (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any nonpool milk or milk products received by a handler, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should not be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

SEC. 20. *Basic requirements for pool plant status.* Subject to the provisions of section 23, each receiving plant shall be a pool plant in each month in which it meets the applicable requirements of sections 21 or 22, together with the following basic requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued by the applicable State authority of Massachusetts or Rhode Island.

(b) The handler operating the plant holds a license which has been issued by the applicable authority of a city or town in the marketing area or a majority of the dairy farmers delivering milk to the plant are approved by such an authority as sources of supply for milk for sale in its city or town.

SEC. 21. *Additional requirements for city pool plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers. In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area up to the quantity of Class I milk disposed of in the marketing area from the other plant.

SEC. 22. *Additional requirements for country pool plants.* (a) Each country receiving plant shall be a pool plant in any month in which more than 50 percent of its total receipts of fluid milk products, other than cream, is disposed

of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which meets the pool plant requirements under this order during each of the months of October through February and which is a pool plant under this order or under the Boston order during each of such months shall be a pool plant continuously for the following months of March through September, regardless of the quantity then disposed of in the marketing area, if the handler's written request for pool plant status for such seven months' period is received by the market administrator before March 1 of that year. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

SEC. 23. *Conditions resulting in nonpool plant status.* Any plant shall be a nonpool plant in any month in which the following conditions apply:

(a) The plant has the status of a pool plant under the provisions of the Boston or New York orders.

(b) The plant is operated by a handler in his capacity as a producer-handler.

(c) Except as provided in section 22 (b), each of a handler's plants which is a nonpool receiving plant during any of the months of October through February shall not be a pool plant in any of the following months of March through September in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during October through February was in the handler's capacity as a producer-handler.

ASSIGNMENT OF RECEIPTS TO CLASSES

SEC. 25. *Assignment of pool handlers' receipts to Class I milk.* For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to section 50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk.

(b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to section 27.

(c) Receipts of fluid milk products, other than cream and bulk skim milk, from the regulated city plants of other handlers.

(d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk products disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

(e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and bulk skim milk, from the country pool plants of other handlers, in the order of the nearness of the plants to Fall River-New Bedford, according to their zone locations.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to Fall River-New Bedford according to their zone locations.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to Fall River-New Bedford, according to their zone locations.

(j) Receipts of bulk skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

SEC. 26. *Assignment of pool handlers' receipts to Class II milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to section 25, shall be assigned to Class II milk.

SEC. 27. *Receipts from other Federal order plants.* Receipts of fluid milk products from plants regulated by other Federal orders shall be assigned as follows:

(a) Receipts of fluid milk products from regulated plants under the Boston order shall be assigned to the class in which they are classified under that order.

(b) Receipts in bulk of fluid milk products, other than cream, from regulated plants under the Merrimack Valley, Springfield, or Worcester orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class II milk up to the total Class II uses of fluid milk products, other than cream, at the receiving plant.

(c) Receipts in packaged form of fluid milk products, other than cream, from regulated plants under the Merrimack Valley, Springfield, or Worcester orders shall be assigned to Class I milk.

(d) Receipts from New York order pool plants shall be assigned to Class I milk if classified and priced in Classes I-A or I-B under the New York order.

REPORTS OF HANDLERS

SEC. 30. *Pool handlers' reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to sections 25 through 27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to sections 15 through 18.

SEC. 31. *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

SEC. 32. *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

SEC. 33. *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

SEC. 34. *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

SEC. 35. *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business to:

(a) Verify the information contained in reports submitted in accordance with this order;

(b) Weigh, sample and test milk and milk products; and

(c) Make such examination of records, operations, equipment, and facilities as

the market administrator deems necessary for the purpose specified in this section.

SEC. 36. *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are not longer necessary in connection therewith.

SEC. 37. *Notices to producers.* Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk, as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

MINIMUM CLASS PRICES

SEC. 40. *Class I price at city plants.* The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to section 43 plus 83 cents.

SEC. 41. *Class II price at city plants.* The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of the Boston order plus 5.8 cents.

SEC. 42. *Country plant zone price differentials.* In the case of receipts at country plants, the prices determined pursuant to sections 40, 41, and 51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Fall River as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D. C. The distance shall be the lowest highway mileage between Fall River and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Fall River, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The zone price differentials for each country plant shall be those applicable to its zone location as shown in the following table.

COUNTRY PLANT ZONE PRICE DIFFERENTIALS

A Distance to Fall River (miles)	B Zone	C Class I and blended price differentials (cents per hundredweight)	D Class II price differentials (cents per hundredweight)
101 to 110	11	42.0	4.5
111 to 120	12	43.2	4.5
121 to 130	13	44.4	4.5
131 to 140	14	45.6	4.5
141 to 150	15	46.8	4.5
151 to 160	16	48.0	6.0
161 to 170	17	49.2	6.0
171 to 180	18	50.4	6.0
181 to 190	19	51.6	6.0
191 to 200	20	52.8	6.0
201 to 210	21	54.0	7.0
211 to 220	22	55.0	7.0
221 to 230	23	56.0	7.0
231 to 240	24	57.0	7.0
241 to 250	25	58.0	7.0
251 to 260	26	59.0	8.0
261 to 270	27	60.0	8.0
271 to 280	28	61.0	8.0
281 to 290	29	62.0	8.0
291 to 300	30	63.0	8.0
301 and over	31 and over	(1)	8.0

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Fall River shall be obtained by extending the table at the rate of one cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

SEC. 44. *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

SEC. 45. *Announcement of class prices.* The market administrator shall make public announcements of the class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

NEW ENGLAND BASIC PRICE FORMULA

SEC. 48. *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period;

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.34 to determine an index of per capita disposable personal income in New England;

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: Rate per month with board and room, 1; rate per month with house, 1; rate per week with board or room, 4.33; rate per week without board and room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index; and

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England, and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for greater Boston, Merrimack Valley, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second

and third months preceding the month for which the price is being computed;

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph; and

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

Month:	*Normal Class I percentage*
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval.

Percentage of normal supply:	*Supply-demand adjustment factor*
91.5 and under	1.12
92–92.5	1.10
93–93.5	1.08
94–94.5	1.06
95–96	1.04
97–98	1.02
99–101	1.00
102–103	.98
104–105	.96
106–107	.94
108–109	.92
110–111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which the price is being computed:

Month:	*Seasonal adjustment factor*
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonable adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index × $0.05592		New England basic Class I price
At least—	But less than—	
$4.20[1]	$4.42	$4.31
$4.42	$4.64	4.53
$4.64	$4.86	4.75
$4.86	$5.08	4.97
$5.08	$5.30	5.19
$5.30	$5.52	5.41
$5.52	$5.74	5.63
$5.74	$5.96	5.85
$5.96	$6.18	6.07
$6.18	$6.40[1]	6.29

[1] If the New England basic Class I price index times $0.05592 is less than $4.20 or is $6.40 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

BLENDED PRICES TO PRODUCERS

SEC. 50. *Computation of net value of milk used by each pool handler.* For each month, the market administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to section 25 (a), (b), (c), (g), and (j);

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to section 26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to sections 40, 41, and 42;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to section 66; and

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to section 25 (f), (i), and (k) by the price applicable pursuant to sections 41 and 42

SEC. 51. *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to section 50 and the payments required pursuant to sections 65 and 66 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to sections 61 (b), 65, and 66 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to sections 61, 62, 65, 66, and 67;

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to section 64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in sections 61 and 62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers at city plants, shall be known as the basic blended price.

SEC. 52. *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to section 64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this order.

PAYMENTS FOR MILK

SEC. 60. *Advance payments.* On or before the 1st day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month.

SEC. 61. *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to section 50, as follows:

(a) On or before the 17th day after the end of each month, to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in sections 63 and 64, for the quantity of milk delivered by such producer; and

(b) To producers, through the market administrator, by paying to, on or before the 15th day after the end of each month, or receiving from the market administrator, on or before the 17th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in section 64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to section 50, as shown in a statement rendered by the market administrator on or before the 12th day after the end of such month.

SEC. 62. *Adjustments of errors in payments.*

(a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to sections 61 (b), 65, and 66, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 13th day of the prior month through the 12th day of the current month shall be payable by the handler to the market administrator on or before the 15th day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 17th day of the current month; and

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by section 61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

SEC. 63. *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of 1 percent of average butterfat content below 3.7 percent, the amount per hundredweight determined for the corresponding month pursuant to § 904.63 of the Boston order.

SEC. 64. *Location differentials.* The payments to be made to producers by handlers pursuant to section 61 (a) shall be subject to the differentials set forth in column C of the table in section 42 and to further differentials as follows:

(a) With respect to milk delivered by a producer whose farm is located in Barnstable, Bristol, Dukes Essex, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, or Worcester Counties in Massachusetts, or the State of Rhode Island, there shall be added 46 cents per hundredweight, unless such addition gives a result greater than the Class I price pursuant to sections 40 and 42 which is effective at the plant to which such milk is delivered, in which event there shall be added an amount which will give as a result such price.

SEC. 65. *Payments on outside milk.* Within 15 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to sections 40, 41 and 42, effective for the zone location of the plant at which the handler received the outside milk; and

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to sections 40, 41, and 42, effective for the zone location of the handler's plant.

SEC. 66. *Payments on Class I receipts from other Federal order plants.* Within 15 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York, Boston, Merrimack Valley, Springfield, or Worcester order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the price pursuant to sections 40 and 42, effective for the zone location of the plant from which the Class I milk was received, by the butterfat differential calculated pursuant to section 63;

(b) Adjust the zone Class I price applicable under the other Federal order (Class 1–A or 1–B in the case of a New York order plant) by the butterfat differential applicable under that order; and

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

SEC. 67. *Adjustment of overdue accounts.* Any balance due, pursuant to sections 61, 62, 65 and 66, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of 1 percent effective the 11th day of such month.

SEC. 68. *Statements to producers.* In making the payments to producers prescribed by section 61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of section 61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under sections 70 and 71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICES

SEC. 70. *Marketing service deduction—nonmembers of an association of producers.* In making payments to producers pursuant to section 61 (a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in section 71, deduct 5 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 15th day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information to, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

SEC. 71. *Marketing service deduction—members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in section 70, each handler shall, in lieu of the deductions specified in section 70, make such deductions from payments made pursuant to section 61 (a) as may be authorized by such producers and pay, on or before the 17th day after the end of each month, such deductions to such associations, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

ADMINISTRATION EXPENSE

SEC. 72. *Payment of administration expense.* Within 15 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, receipts of exempt milk processed at a regulated plant, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

OBLIGATIONS

SEC. 73. *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in

writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

SEC. 80. *Effective time.* The provisions of this order, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to section 81.

SEC. 81. *Suspension or termination.* The Secretary may suspend or terminate this order or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 82. *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

SEC. 83. *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this order the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this order, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

SEC. 84. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this order.

Proposed by the Local Dairymen's Co-operative Association, Inc., and the Fall River Milk Producers Association.

Proposal No. 2:

DEFINITIONS

SECTION 1. *General definitions.* (a) "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Southeastern New England" also referred to as the "marketing area" means the territory included within the boundary lines of the State of Rhode Island, Plymouth, Barnstable, and Bristol Counties in Massachusetts.

(c) "Order" used with the name of a marketing area other than the Southeastern New England marketing area, means the order issued by the Secretary regulating the handling of milk in the other marketing area.

(d) "Month" means a calendar month.

SEC. 2. *Definitions of persons.* (a) "Person" means any individual, partnership, corporation, association, or any other business unit.

(b) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

(c) "Dairy farmer" means any person who delivers bulk milk of his own production to a plant.

(d) "Dairy farmer for other markets" means any dairy farmer whose milk is received by a handler at a pool plant during the months of December through June from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received nonpool milk during any of the preceding months of July through November, except that the term shall not include any person who was a producer-handler during any of the preceding months of July through November, nor any dairy farmer from whom the handler received nonpool milk during such months of July through November only at a plant which met all the applicable requirements for pool plant which status under this order in those months except that it was a pool plant under the Boston order.

(e) "Producer" means any dairy farmer who produces milk in compliance with the requirements of a duly constituted health authority and whose milk is delivered from his farm to a pool plant, except a dairy farmer for other markets, a dairy farmer with respect to exempt milk delivered, and a producer-handler. The term shall also include a dairy farmer with respect to his operation of a farm from which milk is ordinarily delivered to a handler's pool plant, but whose milk is diverted to another plant, if the handler, in filing his monthly report pursuant to Section 30, reports the milk as receipts from a producer at such pool plant and as moved to the other plant. The term shall not apply to a dairy farmer who is a producer under any other Federal order with respect to milk diverted from the plant subject to the other order with respect to milk diverted from the plant subject to the other order to which the farmer ordinarily delivers.

(f) "Association of producers" means any cooperative marketing association which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, known as the "Capper-Volstead Act", and to be engaged in making collective sales or marketing of milk or its products for the producers thereof.

(g) "Handler" means any person who, in a given month, operates a pool plant, or any other plant from which fluid milk products are disposed of, directly or indirectly, in the marketing area.

(h) "Pool handler" means any handler who operates a pool plant.

(i) "Producer-handler" means any person who operates as his own personal enterprises both a dairy farm and a processing and packaging plant from which Class I milk is disposed of in the marketing area, but who receives no milk, except exempt milk, from producers and who during the calendar month disposes of no more than 1,000 quarts on a daily average of fluid milk products in the marketing area to consumers.

(j) "Buyer-handler" means any handler who operates a bottling or processing plant from which more than 10 percent of his total receipts of fluid milk products, other than cream, are disposed of by him as Class I milk in the marketing area, and whose entire supply of fluid milk products is received from other handlers.

(k) "Dealer" means any person who operates a plant at which he engages in

the business of distributing fluid milk products, or manufacturing milk products, whether or not he disposes of any fluid milk products in the marketing area.

(l) "Consumer" means any person to whom fluid milk products are disposed of, except a dealer. The term "consumer" includes, but is not limited to, stores, restaurants, hotels, bakeries, hospitals and other institutions, candy manufacturers, soup manufacturers, livestock farmers, and similar persons who are not necessarily the ultimate users. The term also includes any dealer in his capacity as the operator of any of these establishments, and in connection with any other use or disposition of fluid milk products not directly related to his operations as a dealer.

SEC. 3. *Definitions of plants.* (a) "Plant" means the land, buildings, surroundings, facilities and equipment, whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, handling, or processing of milk or milk products.

(b) "City plant" means any plant which is located within the marketing area or within 50 miles of the State House in Providence, Rhode Island as determined in the manner set forth in Section 42.

(c) "Country plant" means any plant which is located outside the marketing area and beyond 50 miles from the State House in Providence, Rhode Island as determined in the manner set forth in Section 42.

(d) "Bulk tank pickup center" means a point outside the marketing area and more than 50 miles from the State House in Providence, Rhode Island, which has been designated by the market administrator as the country zone location of a group of producers whose milk is received by a handler in bulk tanks. Pricing and other applicable provisions of this order shall apply to a bulk tank pickup center in the same manner as they do to a country plant.

(e) "Receiving plant" means any plant which is currently used for receiving, weighing or measuring, sampling, and cooling milk received there directly from dairy farmers' farms in cans, and for washing and sterilizing such cans; or which is currently used for receiving milk directly from dairy farmers' farms by tank truck; and at which are currently maintained weight sheets or other records of the individual farmers' deliveries.

(f) "Pool plant" means any receiving plant which, in a given month, meets the conditions and requirements set forth in sections 20, 21, 22, and 23, for being considered a pool plant in that month.

(g) "Regulated plant" means any pool plant; any pool handler's plant which is located in the marketing area and from which Class I milk is disposed of in the marketing area; any plant operated by a handler in his capacity as a buyer-handler or producer-handler; and any city plant operated by an association of producers.

SEC. 4. *Definitions of milk and milk products*—(a) "Milk" means the commodity received from a dairy farmer at a plant as cow's milk. The term also includes milk so received which later has its butterfat content adjusted to at least one-half of one percent but less than 10 percent; frozen milk; reconstituted milk; and 50 percent of the quantity, by weight, of "half and half".

(b) "Cream" means that portion of milk, containing not less than 16 percent of butterfat, which rises to the surface of milk on standing, or is separated from it by centrifugal force. The term also includes sour cream; frozen cream; milk and cream mixtures containing 16 percent or more of butterfat; and 50 percent of the quantity, by weight, of "half and half".

(c) "Half and half" means any fluid milk product except concentrated milk, the butterfat content of which has been adjusted to at least 10 percent but less than 16 percent.

(d) "Skim milk" means that fluid product of milk which remains after the removal of cream, and which contains less than one-half of one percent of butterfat.

(e) "Fluid milk products" means milk, flavored milk, cream, skim milk, flavored skim milk, cultured skim milk, buttermilk, and concentrated milk, either individually or collectively.

(f) "Pool milk" means milk, including milk products derived therefrom, which a handler has received as milk producers.

(g) "Outside milk" means:

(1) All milk received from dairy farmers for other markets, and any fluid milk products, other than cream, which are received in bulk from producer-handlers at the regulated plant of a pool handler or a buyer-handler;

(2) All fluid milk products, other than cream, received at a regulated plant from an unregulated plant, up to the total quantity of nonpool milk received at the unregulated plant; except exempt milk, receipts from New York order pool plants which are assigned to Class I milk pursuant to section 27, and receipts from regulated plants under the Boston, Merrimack Valley, Springfield, or Worcester orders;

(3) All Class I milk, after subtracting receipts of Class I milk from regulated plants, which is disposed of to consumers in the marketing area from an unregulated plant, except a regulated plant under the Boston, Merrimack Valley, Springfield, or Worcester orders, without its intermediate movement to another plant.

(h) "Concentrated milk" means the concentrated, unsterilized milk product, resembling plain condensed milk, which is disposed of to consumers for consumption in fluid form.

(i) "Exempt milk" means:

(1) Milk received at a regulated plant in bulk from the dairy farmer who produced it, for processing and packaging, and for which an equivalent quantity of packaged fluid milk products, other than cream, is returned to the dairy farmer during the same month; or

(2) Milk received at a regulated plant in bulk from an unregulated plant to be processed and packaged, and for which an equivalent quantity of packaged fluid milk products, other than cream, is returned to the operator of the unregulated plant during the same month, if such receipt of bulk milk and return of packaged fluid milk products occurs during an interval in which the facilities of the unregulated plant at which the milk is usually processed and packaged are temporarily unusable because of fire, flood, storm, or similar extraordinary circumstances completely beyond the dealer's control; or

(3) Packaged fluid milk products, other than cream received at a regulated plant from an unregulated plant in return for an equivalent quantity of bulk milk moved from a regulated plant for processing and packaging during the same month.

(j) "Packaged fluid milk products" means fluid milk products which have been placed in containers for disposition to consumers and have not been removed from those containers prior to such disposition.

MARKET ADMINISTRATOR

SEC. 10. *Designation of market administrator.* The agency for the administration of this order shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

SEC. 11. *Powers of market administrator.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary compliants of violations of its terms and provisions; and

(d) To recommend to the Secretary amendments to it.

SEC. 12. *Duties of market administrator.* The market administrator, in addition to the duties described in other sections of this order, shall:

(a) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties, in an amount and with sureties thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to exercise his powers and perform his duties;

(c) Pay, out of the funds provided by section 72, the cost of his bond, his own compensation, and all other expenses necessarily incurred in the maintenance and functioning of his office;

(d) Keep such books and records as will clearly reflect the transactions provided for in this order and surrender the same to his successor, or to such other person as the Secretary may designate;

(e) Prepare and disseminate for the benefit of producers, consumers, and handlers, statistics and information concerning the operation of this order;

(f) Promptly verify the information contained in the reports submitted by handlers; and

(g) Give each of the producers delivering to a plant, as reported by the handler, prompt written notice of his actual or potential loss of producer status for the first month in which the plant's status has changed or is changing to that of a nonpool plant.

CLASSIFICATION

SEC. 15. *Classes of utilization.* All milk and milk products received by a handler shall be classified as Class I milk or Class II milk. Subject to sections 16, 17, and 18, the classes of utilization shall be as follows:

(a) Class I milk shall be:

(1) All fluid milk products sold, distributed, or disposed of as or in milk;

(2) All fluid milk products sold, distributed, or disposed of for human consumption as or in flavored milk, skim milk, flavored or cultured skim milk, or butterfat;

(3) Ninety-eight percent, by weight, of the fluid milk products used to produce concentrated milk; and

(4) All fluid milk products the utilization of which is not established as Class II milk.

(b) Class II milk shall be all fluid milk products the utilization of which is established:

(1) As being sold, distributed, or disposed of other than as specified in subparagraphs (1), (2), and (3) of paragraph (a) of this section; and

(2) As plant shrinkage, not in excess of 2 percent of the volume handled.

SEC. 16. *Classification of interplant movements of fluid milk products other than cream.* Fluid milk products, except cream, moved to another plant from a pool plant or from the city plant of an association of producers shall be classified as follows:

(a) If moved to another pool plant, they shall be classified in the class to which they are assigned at the plant of receipt pursuant to sections 25 and 26.

(b) If moved to a buyer-handler's plant, they shall be classified as Class I milk, unless Class II utilization is established.

(c) If moved to a producer-handler's plant or to any unregulated plant except a plant subject to another federal order in New England, they shall be classified as Class I milk up to the total quantity of the same form of fluid milk products utilized as Class I milk at the plant to which they were moved.

(d) If moved in bulk to a plant subject to another federal order in New England, they shall be classified in the class to which the receipt is assigned under the other order.

(e) If moved in packaged form to a plant subject to any other federal order, they shall be classified as Class I milk.

(f) If moved in bulk to a plant subject to the New York order, they shall be classified as Class I milk is assigned to Classes I–A or I–B, under that order; otherwise they shall be classified as Class II milk.

(g) If moved to a regulated plant of a nonpool handler, except the city plant of an association of producers, or to any unregulated plant except a plant subject to the New York, Boston, Merrimack Valley, Springfield, or Worcester orders, and thence to another plant, they shall be classified by applying the provisions of paragraphs (a) through (f) of this section, whichever is applicable, except that if the other plant to which such movement is made is located outside of the New England States and New York State, they shall be classified as Class I milk.

SEC. 17. *Classification of interplant movements of cream, and of milk products other than fluid milk products.* Cream and milk products other than fluid milk products moved from the regulated plant of a pool handler to another plant shall be classified as Class II milk.

SEC. 18. *Responsibility of handlers in establishing the classification of milk.* (a) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove that such milk should not be classified as Class I milk.

(b) In establishing the classification of any pool milk received in the form of cream or milk products other than fluid milk products, or any nonpool milk or milk products received by a handler, the burden rests upon the receiving handler to account for such milk and milk products and to prove that such milk and milk products should be classified as Class I milk.

DETERMINATION OF POOL PLANT STATUS

SEC. 20. *Basic requirements for pool plant status.* Subject to the provisions of section 23, each receiving plant shall be a pool plant in each month in which it meets the applicable requirements of section 21 or 22, together with the following requirements:

(a) A majority of the dairy farmers delivering milk to the plant hold certificates of registration issued by the applicable state authority of Massachusetts or Rhode Island.

(b) The handler operating the plant holds a license which has been issued by the applicable authority of a city or town in the marketing area or a majority of the dairy farmers delivering milk to the plant are approved by such an authority as sources of supply for milk for sale in its city or town.

SEC. 21. *Additional requirements for city pool plants.* Each city receiving plant shall be a pool plant in each month in which at least 10 percent of its total receipts of fluid milk products, other than cream is disposed of in the marketing area as Class I milk, or in which it is operated by an association of producers. In determining whether a city plant has disposed of the required 10 percent of its receipts as Class I milk in the marketing area, the total quantity of fluid milk products, other than cream, moved from that plant to another city plant which is a regulated plant shall be considered as a disposition of Class I milk in the marketing area from the other plant.

SEC. 22. *Additional requirements for country pool plants.*

(a) Each country receiving plant shall be a pool plant in any month in which more than 50 percent of its total receipts of fluid milk products, other than cream, is disposed of as Class I milk directly to consumers in the marketing area or is shipped as milk to city plants at which more than 50 percent of the total receipts of fluid milk products, other than cream, is disposed of as Class I milk.

(b) Any country plant which meets the pool plant requirements under this order during each of the months of July through November and which is a pool plant under this order or under the Boston order during each of such months shall be a pool plant continuously for the following months of December through June, regardless of the quantity then disposed of in the marketing area, if the handler's written request for plant status for such seven months period is received by the market administrator before December of the year in which such seven months period begins. Changes in the identity of the handler operating the plant shall not affect the application of this paragraph.

SEC. 23. *Conditions resulting in nonpool plant status.* Any plant shall be a nonpool plant in any month in which the following conditions apply:

(a) The plant has the status of a pool plant under the provisions of the New York or any other New England Federal order.

(b) The plant is operated by a handler in his capacity as a producer-handler.

(c) Except as provided in section 22 (b), each of a handler's plants which is a nonpool receiving plant during any of the months of July through November shall not be a pool plant in any of the following months of December through June in which it is operated by the same handler, an affiliate of the handler, or any person who controls or is controlled by the handler, unless its operation during July through November was in the handler's capacity as a producer-handler.

ASSIGNMENT OF RECEIPTS TO CLASSES

SEC. 25. *Assignment of pool handlers' receipts to Class I milk.* For the purpose of computing the net quantity of each pool handler's Class I milk for which a value is to be computed pursuant to section 50, his receipts of milk and milk products shall be assigned to Class I milk in the following sequence:

(a) Receipts of exempt milk.

(b) Receipts from regulated plants under other Federal orders, which are assigned to Class I milk pursuant to section 27.

(c) Receipts of fluid milk products, other than cream and bulk skim milk, from the regulated city plants of other handlers.

(d) Receipts of milk from producers at a handler's country plant equal to the volume of fluid milk producers disposed of directly from the country plant as Class I milk outside the marketing area without being received at a city plant.

(e) Receipts of milk directly from producers at the handler's city plant.

(f) Receipts of outside milk at the handler's city plant.

(g) Receipts of fluid milk products, other than cream and bulk skim milk, from the country pool plants of other handlers, in the order of the nearness of the plants to Southeastern New England, according to their zone locations.

(h) Receipts of milk from producers at the handler's country plants not previously assigned pursuant to paragraph (d) of this section in the order of the nearness of the plants to Southeastern New England, according to their zone locations.

(i) Receipts of outside milk at the handler's country plants, in the order of the nearness of the plants to Southeastern New England, according to their zone locations.

(j) Receipts of bulk skim milk from regulated city plants and then from regulated country plants.

(k) All other receipts or available quantities of fluid milk products, from whatever source derived.

SEC. 26. *Assignment of pool handlers' receipts to Class II milk.* Each pool handler's receipts of milk and milk products which are not assigned to Class I milk pursuant to section 25 shall be assigned to Class II milk.

SEC. 27. *Receipts from other Federal order plants.* Receipts of fluid milk products from plants regulated by other Federal orders shall be assigned as follows:

(a) Receipts of fluid milk products from regulated plants under the Boston order shall be assigned to the class in which they are classified under that order.

(b) Receipts in bulk of fluid milk products, other than cream, from regulated plants under the Merrimack Valley, Springfield, or Worcester orders shall be assigned to Class I milk, unless the operators of the shipping plant and of the receiving plant file a joint written request to the market administrator for assignment to Class II milk of the fluid milk products so received. In such event, the fluid milk products shall be assigned to Class II milk up to the total Class II uses of fluid milk products, other than cream, at the receiving plant.

(c) Receipts in packaged form of fluid milk products, other than cream, from regulated plants under the Merrimack Valley, Springfield, or Worcester orders shall be assigned to Class I milk.

(d) Receipts from New York order pool plants shall be assigned to Class I milk if classified and priced in Class 1-A or 1-B under the New York order.

SEC. 30. *Pool handler's reports of receipts and utilization.* On or before the 8th day after the end of each month each pool handler shall, with respect to the milk products received by the handler during the month, report to the market administrator in the detail and form prescribed by the market administrator, as follows:

(a) The receipts of milk at each pool plant from producers, including the quantity, if any, received from his own production;

(b) The receipts of fluid milk products at each plant from any other handler, assigned to classes pursuant to sections 25 through 27;

(c) The receipts of outside milk and exempt milk at each plant; and

(d) The quantities from whatever source derived which were sold, distributed, or used, including sales to other handlers and dealers, classified pursuant to sections 15 through 18.

SEC. 31. *Reports of nonpool handlers.* Each nonpool handler shall file with the market administrator reports relating to his receipts and utilization of fluid milk products. The reports shall be made at the time and in the manner prescribed by the market administrator, except that any handler who receives outside milk during any month shall file the report on or before the 8th day after the end of the month.

SEC. 32. *Reports regarding individual producers.* (a) Within 20 days after a producer moves from one farm to another, starts or resumes deliveries to any of a handler's pool plants, or starts delivering his milk to the handler's plant by tank truck, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the change took place, and the farm and plant locations involved. The report shall also state, if known, the plant to which the producer had been delivering prior to starting or resuming deliveries.

(b) Within 15 days after the 5th consecutive day on which a producer has failed to deliver to any of a handler's pool plants, the handler shall file with the market administrator a report stating the producer's name and post office address, the date on which the last delivery was made, and the farm and plant locations involved. The report shall also state, if known, the reason for the producer's failure to continue deliveries.

SEC. 33. *Reports of payments to producers.* Each pool handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for such month, which shall show for each producer:

(a) The daily and total pounds of milk delivered with the average butterfat test thereof; and

(b) The net amount of such handler's payments to such producer with the prices, deductions, and charges involved.

SEC. 34. *Maintenance of records.* Each handler shall maintain detailed and summary records showing all receipts, movements, and disposition of milk and milk products during the month, and the quantities of milk and milk products on hand at the end of the month.

SEC. 35. *Verification of reports.* For the purpose of ascertaining the correctness of any report made to the market administrator as required by this order or for the purpose of obtaining the information required in any such report where it has been requested and has not been furnished, each handler shall permit the market administrator or his agent, during the usual hours of business, to:

(a) Verify the information contained in reports submitted in accordance with this order:

(b) Weigh, sample, and test milk and milk products; and

(c) Make such examination of records, operations, equipment and facilities as the market administrator deems necessary for the purpose specified in this section.

SEC. 36. *Retention of records.* All books and records required under this order to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, provided, that if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

SEC. 37. *Notices to producers.* Each pool handler shall furnish each producer from whom he receives milk with information regarding the daily weight and composite butterfat test of the producer's milk as follows:

(a) Within 3 days after each day on which he receives milk from the producer, the handler shall give the producer written notice of the daily quantity so received.

(b) Within 7 days after the end of any sampling period for which the composite butterfat test of the producer's milk was determined, the handler shall give the producer written notice of such composite test.

MINIMUM CLASS PRICES

SEC. 40. *Class I price at city plants.* The Class I price per hundredweight at city plants shall be the New England basic Class I price per hundredweight determined for each month pursuant to section 48 plus 61 cents plus 22 cents.

SEC. 41. The Class II price per hundredweight at city plants shall be the Class II price determined for each month pursuant to § 904.41 of the Boston order.

SEC. 42. *Country plant zone price differentials.* In the case of receipts at country plants, the prices determined pursuant to sections 41 and 51 shall be subject to zone price differentials based upon the zone location of the plant at which the milk is received from producers.

(a) The zone location of each country plant shall be based upon its highway mileage distance to Providence as determined by use of the appropriate State maps contained in Mileage Guide No. 6, and revisions thereof, issued by Household Goods Carriers' Bureau, Agent, Washington, D. C. The distance shall be

the lowest highway mileage between Providence and the named point on the map which is nearest to the plant, over roads designated thereon as paved, first-class, all-weather roads. In the event that the named point is not located on a through first-class road, such other roads shall be used to reach a through first-class road as will result in the lowest highway mileage to Providence, except that such other roads shall not be used for a distance of more than 15 miles if it is otherwise possible to connect with a through first-class road. In any instance in which the map does not clearly show the mileage between points on a road, the mileage used shall be the mileage as determined by the highway authority for the State in which the road is located.

(b) The Zone price differentials for each country plant shall be those applicable to its zone location as shown in the following table.

COUNTRY PLANT ZONE PRICE DIFFERENTIAL

Distance to Providence (miles)	Zone	Class I and blended price differentials cents per hundredweight
51 to 60	6	17.0
61 to 70	7	22.0
71 to 80	8	27.0
81 to 90	9	32.0
91 to 100	10	37.0
101 to 110	11	42.0
111 to 120	12	43.2
121 to 130	13	44.4
131 to 140	14	45.6
141 to 150	15	46.8
151 to 160	16	48.0
161 to 170	17	49.2
171 to 180	18	50.4
181 to 190	19	51.6
191 to 200	20	52.8
201 to 210	21	54.0
211 to 220	22	55.0
221 to 230	23	56.0
231 to 240	24	57.0
241 to 250	25	58.0
251 to 260	26	59.0
261 to 270		60.0
271 to 280	28	61.0
281 to 290	29	62.0
291 to 300	30	63.0
301 and over	31 and over	(1)

[1] Class I and blended price differentials applicable to plants located more than 300 miles from Southeastern New England shall be obtained by extending the table at the rate of one cent for each additional 10 miles, except that in no event shall the Class I or blended price at any zone be less than the Class II price for the month for plants in such zone.

SEC. 44. *Use of equivalent factors in formulas.* If for any reason a price, index, or wage rate specified by this order for use in computing class prices and for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price, index, or wage rate determined by the Secretary to be equivalent to or comparable with the factor which is specified.

SEC. 45. *Announcement of class prices.* The market administrator shall make public announcements of class prices as follows:

(a) He shall announce the Class I price for each month on the 25th day of the preceding month, except that if such 25th day is a Sunday or legal holiday he shall announce the Class I price on the next succeeding work day.

(b) He shall announce the Class II price on or before the 5th day after the end of each month.

NEW ENGLAND BASIC PRICE FORMULA

SEC. 48. *Computation of New England basic Class I price.* The New England basic Class I price per hundredweight of milk containing 3.7 percent butterfat shall be determined for each month pursuant to this section. The latest reported figures available to the market administrator on the 25th day of the preceding month shall be used in making the following computations, except that if the 25th day of the preceding month falls on a Sunday or legal holiday the latest figures available on the next succeeding work day shall be used.

(a) Compute the economic index as follows:

(1) Divide by 1.143 the monthly wholesale price index for all commodities as reported by the Bureau of Labor Statistics, United States Department of Labor, with the years 1947–49 as the base period.

(2) Using the data on per capita personal income, by States and regions, as published by the United States Department of Commerce, establish a "New England adjustment percentage" by computing the current percentage relationship of New England per capita personal income to per capita personal income in continental United States. Multiply by the New England adjustment percentage the quarterly figure showing the current annual rate of per capita disposable personal income in the United States as released by the United States Department of Commerce or the Council of Economic Advisers to the President. Divide the result by 15.34 to determine an index of per capita disposable personal income in New England.

(3) Multiply by 20 the average price per 100 pounds paid by farmers in the New England region for all mixed dairy feed of less than 29 percent protein content as reported by the United States Department of Agriculture for the month and divide the result by 0.884 to determine the dairy ration index. Compute the average, weighted by the indicated factors, of the following farm wage rates reported for the New England region by the United States Department of Agriculture: rate per month with board and room, 1; rate per month with house, 1; rate per week with board and room, 4.33; rate per week without board or room, 4.33; and the rate per day without board or room, 26. Divide the average wage rate so computed by 1.458 to determine the wage rate index. Multiply the dairy ration index by 0.6 and the wage rate index by 0.4 and combine the two results to determine the grain-labor cost index.

(4) Divide by 3 the sum of the wholesale price index, the index of per capita disposable income in New England, and the grain-labor cost index determined pursuant to this paragraph. The result shall be known as the economic index.

(b) Compute a supply-demand adjustment factor as follows:

(1) Combine into separate monthly totals the receipts from producers for Greater Boston, Merrimack Valley, Springfield, and Worcester and the Class I milk from producers for the same markets as announced by the respective market administrators in the statistical reports for such markets for the second and third months preceding the month for which the price is being computed.

(2) Divide the four-market total of Class I producer milk by the four-market total of receipts from producers for each of the two months for which computations were made pursuant to subparagraph (1) of this paragraph.

(3) Divide each of the percentages determined in subparagraph (2) of this paragraph into the following normal Class I percentage for the respective month, multiply each result by 100, and compute a simple average of the resulting percentages. The result shall be known as the percentage of normal supply.

Month:	*Normal Class I percentage*
January	76.9
February	73.9
March	65.3
April	57.7
May	51.6
June	50.7
July	61.6
August	70.1
September	70.7
October	73.4
November	82.0
December	77.8

(4) The supply-demand adjustment factor shall be the figure in the following table opposite the bracket under the normal supply column within which the percentage computed pursuant to subparagraph (3) of this paragraph falls. If the percentage falls in an interval between brackets, the applicable bracket shall be that above the interval in which the percentage falls if the adjustment for the previous month was determined by a bracket above such interval, and shall be determined by the bracket below such interval if the adjustment for the previous month was determined by a bracket below such interval.

Percentage of normal supply:	*Supply-demand adjustment factor*
91.5 and under	1.12
92–92.5	1.10
93–93.5	1.08
94–94.5	1.06
95–96	1.04
97–98	1.02
99–101	1.00
102–103	.98
104–105	.96
106–107	.94
108–109	.92
110–111	.90
112 and over	.88

(c) The seasonal adjustment factor shall be the factor listed below for the month for which price is being computed.

Month:	*Seasonal adjustment factor*
January and February	1.04
March	1.00
April	.92
May and June	.88
July	.96
August	1.00
September	1.04
October, November and December	1.08

(d) Compute a New England basic Class I price index by multiplying the economic index determined pursuant to paragraph (a) of this section by the supply-demand adjustment factor determined pursuant to paragraph (b) of this section and multiplying the result by the applicable seasonal adjustment factor pursuant to paragraph (c) of this section.

(e) The New England basic Class I price shall be as shown in the following table:

New England basic Class I price index × $0.05592		New England basic Class I price
At least—	But less than—	
$4.20 [1]	$4.42	$4.31
$4.42	$4.64	4.53
$4.64	$4.86	4.75
$4.86	$5.08	4.97
$5.08	$5.30	5.19
$5.30	$5.52	5.41
$5.52	$5.74	5.63
$5.74	$5.96	5.85
$5.96	$6.18	6.07
$6.18	$6.40 [1]	6.29

[1] If the New England basic Class I price index times $0.05592 is less than $4.20 or is $6.40 or more, the New England basic Class I price shall be determined by extending the table at the indicated rate of extension.

(f) Notwithstanding the provisions of paragraphs (a) through (e) of this section, the New England basic Class I price for November or December of each year shall not be lower than such price for the immediately preceding month.

BLENDED PRICES TO PRODUCERS

SEC. 50. *Computation of net value of milk used by each pool handler.* For each month, the market administrator shall compute in the following manner the net value of milk which is sold, distributed, or used by each pool handler:

(a) From the handler's total Class I milk, subtract all receipts which have been assigned to Class I milk pursuant to section 25 (a), (b), (c), (g), and (j);

(b) From the handler's total Class II milk, subtract all receipts which have been assigned to Class II milk pursuant to section 26, except receipts of milk from producers;

(c) Multiply the remaining quantities of Class I milk and Class II milk by the prices applicable pursuant to sections 40, 41, and 42;

(d) Add together the resulting value of each class;

(e) Add the total amount of the payment required from the pool handler pursuant to section 66;

(f) Subtract the value obtained by multiplying the quantities assigned to Class I milk pursuant to section 25 (f), (i) and (k) by the price applicable pursuant to sections 41 and 42.

SEC. 51. *Computation of the basic blended price.* The market administrator shall compute the basic blended price per hundredweight of milk delivered during each month in the following manner:

(a) Combine into one total the respective net values of milk computed pursuant to section 50 and the payments required pursuant to sections 65 and 66 for each handler from whom the market administrator has received at his office, prior to the 11th day after the end of such month, the report for such month and the payments required pursuant to sections 61 (b), 65, and 66 for the preceding month;

(b) Add the amount of unreserved cash on hand at the close of business on the 10th day after the end of the month from payments made to the market administrator by handlers pursuant to sections 61, 62, 65, 66, and 67;

(c) Deduct the amount of the plus differentials, and add the amount of the minus differentials, which are applicable pursuant to section 64;

(d) Divide by the total quantity of pool milk for which a value is determined pursuant to paragraph (a) of this section; and

(e) Subtract not less than 4 cents nor more than 5 cents for the purpose of retaining a cash balance in connection with the payments set forth in sections 61 and 62. This result, which is the minimum blended price for milk containing 3.7 percent butterfat received from producers containing 3.7 percent received from producers at city plants, shall be known as the basic blended price.

SEC. 52. *Announcement of blended prices.* On the 12th day after the end of each month the market administrator shall mail to all pool handlers and shall publicly announce:

(a) Such of these computations as do not disclose information confidential pursuant to the act;

(b) The zone blended prices per hundredweight resulting from adjustment of the basic blended price by the differentials pursuant to section 64; and

(c) The names of the pool handlers, designating those whose milk is not included in the computations because of failure to make reports or payments pursuant to this order.

PAYMENTS FOR MILK

SEC. 60. *Advance payments.* On or before the 5th day after the end of each month, each pool handler shall make payment to producers for the approximate value of milk received during the first 15 days of such month. In no event shall such advance payment at rate less than the Class II price for such month.

SEC. 61. *Final payments.* Each pool handler shall make payment for the total value of milk received during such month as required to be computed pursuant to section 50, as follows:

(a) On or before the 20th day after the end of each month to each producer at not less than the basic blended price per hundredweight, subject to the differentials provided in section 63 and 64, for the quantity of milk delivered by such producers; and

(b) To producers, through the market administrator, by paying to, on or before the 18th day after the end of each month, or receiving from the market administrator, on or before the 20th day after the end of each month, as the case may be, the amount by which the payments at the basic blended price adjusted by the plant and farm location differentials provided in section 64 are less than or exceed the value of milk as required to be computed for each such handler pursuant to section 50, as shown in a statement rendered by the market administrator on or before the 15th day after the end of such month.

(c) In lieu of payments pursuant to paragraphs (a) and (b) of this section, each handler shall make payment to a cooperative association which has filed a writen request for such payment with such handler and with respect to producers for whose milk the market administrator determines that such cooperative association is authorized to collect payment, as follows:

(1) On or before the 25th day of each month, an amount equal to not less than the Class II price for the preceding month, multiplied by the hundredweight of milk received during the first 15 days of the month from such producers, and

(2) On or before the 13th day after the end of each month an amount equal to not less than the applicable uniform price (a) pursuant to sections 51 and 52, multiplied by the hundredweight of milk received from such producers to which each such price is applicable, subject to the butterfat differential computed pursuant to section 63 and the location differential computed pursuant to section 64, less payment made such cooperative association pursuant to subparagraph (1) of this paragraph, and proper deductions authorized in writing by such producers or such cooperative associations.

(d) On or before the 13th day after the end of the month, each handler shall pay to each cooperative association which is also a handler, for milk received from it not less than the value of such milk as classified pursuant to section 16 (a) at the applicable respective class prices, including differentials prescribed by the order.

SEC. 62. *Adjustments of errors in payments.* (a) Whenever verification by the market administrator of reports or payments of any handler discloses an error in payments made pursuant to sections 61 (b), 65, and 66, the market administrator shall promptly issue to the handler a charge bill or a credit, as the case may be, for the amount of the error. Adjustment charge bills issued during the period from the 13th day of the prior month through the 12th day of the current month shall be payable by the handler to the market administrator on or before the 15th day of the current month. Adjustment credits issued during such period shall be payable by the market administrator to the handler on or before the 17th day of the current month.

(b) Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of an amount less than is required by section 61 (a), the handler shall make up such payment to the producer not later than the time of making final payment for the month in which such error is disclosed.

SEC. 63. *Butterfat differential.* Each handler shall, in making payments to each producer for milk received from him, add for each one-tenth of 1 percent of average butterfat content above 3.7 percent, or deduct for each one-tenth of

1 percent of average butterfat content below 3.7 percent, the amount per hundredweight determined for the corresponding month pursuant to § 904.63 of the Boston order.

SEC. 64. *Location differentials.* The payments to be made to producers by handlers pursuant to section 61 (a) shall be subject to the differentials set forth in column C of the table in section 42 and to further differentials as follows:

(a) With respect to a producer whose farm is located in the states of Massachusetts, Rhode Island and Connecticut, east of the Connecticut River or south of the Massachusetts Turnpike or a line extended from its eastern terminus due east to the Atlantic Ocean, there shall be added to prices payable to such producers an amount of money per hundredweight as computed pursuant to the following table:

SCHEDULE OF LOCATION DIFFERENTIALS

Percent Class I in pool:	*Location differential cents per hundredweight*
91–100	0
90	8
89	13
88	18
87	23
86	28
85	33
84	38
83	43
82	48
81	52
80	56
79	60
78	64
77	68
76	72
75	75
74	78
73	81
72	84
71	87

SEC. 65. Within 15 days after the end of each month, handlers shall make payments to producers, through the market administrator, as follows:

(a) Each buyer-handler or producer-handler, whose receipts of outside milk are in excess of his total use of Class II milk after deducting receipts of cream, shall make payment on such excess quantity at the difference between the Class I and Class II prices pursuant to sections 40, 41, and 42, effective for the zone location of the plant at which the handler received the outside milk.

(b) Each handler who operates an unregulated plant from which outside milk is disposed of to consumers in the marketing area without intermediate movement to another plant shall make payment on the quantity so disposed of. The payment shall be at the difference between the Class I and Class II prices pursuant to sections 40, 41, and 42, effective for the zone location of the handler's plant.

SEC. 66. *Payments on Class I receipts from other Federal order plants.* With in 15 days after the end of each month, each pool handler, buyer-handler, or producer-handler who received Class I milk from a New York, Boston, Merrimack Valley, Springfield, or Worcester order regulated plant during the month shall make such payment to producers, through the market administrator, as results from the following computation:

(a) Adjust the price pursuant to sections 40 and 42, effective for the zone location of the plant from which the Class I milk was received, by the butterfat differential calculated pursuant to section 63.

(b) Adjust the zone Class I price applicable under the other Federal order (Class I–A or I–B in the case of a New York order plant) by the butterfat differential applicable under that order.

(c) If the adjusted Class I price calculated under paragraph (a) of this section exceeds the corresponding price calculated under paragraph (b) of this section, multiply the quantity of Class I receipts from the other Federal order plant by the difference in price.

SEC. 67. *Adjustment of overdue accounts.* Any balance due, pursuant to sections 61, 62, 65, and 66, to or from the market administrator on the 10th day of any month, for which remittance has not been received in, or paid from, his office by the close of business on that day, shall be increased one-half of one percent effective the 11th day of such month.

SEC. 68. *Statements to producers.* In making the payments to producers prescribed by section 61 (a), each pool handler shall furnish each producer with a supporting statement, in such form that it may be retained by the producer, which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and average butterfat test of milk delivered by the producer;

(c) The minimum rate or rates at which payment to the producer is required under the provisions of section 61 (a);

(d) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(e) The amount or the rate per hundredweight of each deduction claimed by the handler, including any deductions claimed under sections 70 and 71, together with a description of the respective deductions; and

(f) The net amount of payment to the producer.

MARKETING SERVICES

SEC. 70. *Marketing service deduction—non-members of an association of producers.* In making payment to producers pursuant to section 61 (a), each handler shall, with respect to all milk delivered by each producer other than himself during each month, except as set forth in section 71, deduct 5 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 15th day after the end of each month, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator only in providing for market information, and for verification of weights, samples, and tests of milk delivered by, such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk delivered by, such producers.

SEC. 71. *Marketing service deduction—members of an association of producers.* In the case of producers who are members of an association of producers which is actually performing the services set forth in section 70, each handler shall, in lieu of the deductions specified in section 70, make such deductions from payments made pursuant to section 61 (a) as may be authorized by such producers and pay, on or before the 17th day after the end of each month, such deductions to such association, accompanied by a statement showing the pounds of milk delivered by each producer from whom the deduction was made.

ADMINISTRATION EXPENSE

SEC. 72. *Payment of administration expense.* Within 15 days after the end of each month, each handler shall make payment to the market administrator of his pro rata share of the expense of administration of this order, based on the handler's receipts of fluid milk products, other than cream, during the month. The payment shall be at the rate of 5 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on the handler's receipts of milk from producers, including receipts from his own production, receipts of exempt milk processed at a regulated plant, and his receipts of outside milk, except receipts of outside milk from other Federal order plants; and at the rate by which the rate applicable to milk received from producers exceeds the rate of assessment applicable under the other Federal order, on his receipts from other Federal order plants.

OBLIGATIONS

SEC. 73. *Termination of obligations.* The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligations arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market ad-

ministrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8C (15) (A) of the act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

SEC. 80. *Effective time.* The provisions of this order, or any amendments of its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to section 81.

SEC. 81. *Suspension or termination.* The Secretary may suspend or terminate this order or any provision thereof whenever he finds that is obstructs or does not tend to effectuate the declared policy of the act. This order shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 82. *Continuing obligation.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

SEC. 83. *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this order the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this order, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

Proposed by the Bellows Falls Co-op Creamery, Inc.; Bennington County Co-op Creamery; Bethel Co-operative Creamery, Inc.; Cabot Farmers' Co-op Creamery Co., Inc.; Grand Isle County Co-op Creamery Assn., Inc.; Granite City Co-op Creamery Assn., Inc.; Maine Dairymen's Association, Inc.; Milton Co-op Dairy Corp.; Mt. Mansfield Co-op Creamery; New England Milk Producers' Association; Northern Farms Co-operative, Inc.; Richmond Co-operative Association, Inc.; Rutland County Co-op Creamery, Inc.; Shelburne Co-op Creamery; St. Albans Co-operative Creamery, Inc.; United Dairies, Inc.; United Farmers of New England, Inc.

Proposal No. 3: Provide an order substantially in accordance with proposal No. 1 submitted by the New Bedford Milk Producers' Association, Inc., on June 20, 1957, but including in the marketing area all of Barnstable, Bristol and Plymouth Counties in Massachusetts, and all of the State of Rhode Island.

Proposed by H. P. Hood and Sons, Inc.

Proposal No. 4: Exclusion from the pricing and pooling provisions of the order shall apply only to: (a) A handler as operator of a plant at which the only milk received is milk produced on the handler's own farm, and (b) milk produced on a handler's own farm up to an average of 1000 pounds per day and which is received at a plant operated by the handler—at which plant no milk is received from other dairy farmers.

Proposal No. 5: The city delivered Class I price in the proposed marketing area shall be the Boston city delivered Class I price plus applicable zone differential adjustments to the pricing point under the proposed order at 1.5 cents per 10-mile zone, plus 5 cents per hundredweight if the milk is received directly at the city plant by bulk tank truck delivery.

Proposal No. 6: The proposed order country plant zone Class I prices shall be the f. o. b. city Class I price adjusted by road mileage zone differentials as applicable in the Springfield, Worcester and Merrimack Valley, Federal milk orders, plus 10 cents per hundredweight for milk received at the country plant by bulk tank truck delivery.

Proposal No. 7: The price of Class II milk at the 210-mile zone under the proposed order shall be the same as for the 210-mile zone under the Boston order, plus 10 cents per hundredweight if such milk is received at the country plant by bulk tank truck delivery.

Proposal No. 8: The price of Class II milk delivered directly to city plants shall be the 210-mile zone Class II price for milk received in cans, plus cost of freight on cream and powder content to city and plus 13 cents per hundredweight if received at the city plant in cans or plus 18 cents per hundredweight if received at the city plant by bulk tank truck delivery.

Proposal No. 9: Uniform prices paid to producers who make delivery by bulk tank shall be 10 cents per hundredweight higher than that paid to producers who make delivery by can at country plants and 5 cents per hundredweight higher than that paid to producers who make delivery by can at city plants.

Proposal No. 10: The country plant pooling requirement under the proposed order shall require that 25 percent of the volume received at the country plant during the months of October through February be shipped to city plants in the marketing area having at least 50 percent Class I disposition within the marketing area.

Proposal No. 11: Shipments of milk subject to regulation by Boston Order No. 4 shall be assigned Class I position under the proposed order, and shipments from other Federal orders shall be assigned the classification designated under such order.

Proposal No. 12: A graduated location differential for nearby producers shall be established and related to the pool percentage of Class I, in such form as the following schedule:

Class I pool percentage (percent):	*Nearby location differential (cents cwt.)*
90–95	.20
80–90	.40
70–80	.60
60–70	.80
50–60	1.00

Proposal No. 13: Receipts of packaged milk from unregulated plants shall be exempt from the provisions of the order to the extent that they are compensated for by bulk receipts of regulated milk or by bulk receipts of milk regulated under Boston Order No. 4.

Proposed by the Whiting Milk Company.

Proposal No. 14: The administrative assessment section of the proposed order shall contain a provision to read that handlers under other Federal orders shall pay administrative fees based on the volume of milk distributed by the receiving plant in the proposed marketing area rather than the volume of milk handled in the plant which makes shipment to the proposed marketing area.

Proposed by the Guimond Farms, Inc.

Proposal No. 15: Bulk pickup location differentials shall apply to milk deliveries from producers having bulk tanks. The term "Bulk Pickup Location" means the approximate center of a group of farms from which milk is handled in bulk milk tanks. The "Bulk Pickup Location" shall be treated as a country plant and shall be subject to pricing provisions applicable to a country plant in the zone in which the approximate center of producers' farms is located.

Copies of this notice may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 22d day of January 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 58-593; Filed, Jan. 24, 1958; 8:50 a. m.]

Commodity Stabilization Service

[7 CFR Part 814]

1958 SUGAR QUOTA FOR DOMESTIC BEET SUGAR AREA

NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.), the Secretary of Agriculture has, after due notice (22 F. R. 8313) and hearing, found that allotment of the 1958 sugar quota for the Domestic Beet Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and has established allotments of such quota totaling 1,600,000 short tons, raw value, to be in effect until allotments of the 1958 sugar quota for the Domestic Beet Sugar Area are prescribed (22 F. R. 11027).

Notice is hereby given that a public hearing will be held at Scottsdale, Arizona, in the Hotel Valley Ho, 350 W. Main Street, on February 5, 1958, at 9:00 a. m., m. s. t., for the purpose of receiving evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the above-mentioned quota for the calendar year 1958 among persons who market sugar processed from sugar beets produced in the Domestic Beet Sugar Area. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or change the finding which has been made with respect to necessity for allotment, and make or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing also include (1) the manner in which consideration should be given to the statutory factors as provided in section 205 (a) of the act; (2) the manner in which allotments should apply to sugar or liquid sugar processed under contracts providing for sugar beets or molasses to be sold to and processed for the account of one allottee by another; (3) provision for the transfer of allotments under circumstances of a succession of interest.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the quota or proration thereof for the purposes of (1) allotting any increase, or decrease, in the quota resulting from a change in United States sugar requirements or from the proration of a deficit of another area; (2) prorating any deficit in the allotment for any allottee; and (3) substituting final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of the quota.

Issued this 22d day of January 1958.

[SEAL] CLARENCE L. MILLER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 58-590; Filed, Jan. 24, 1958; 8:49 a. m.]

[7 CFR Part 814]

1958 SUGAR QUOTA FOR MAINLAND CANE SUGAR AREA

NOTICE OF HEARING ON PROPOSED ALLOTMENT

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) the Secretary of Agriculture has, after due notice (22 F. R. 8313) and hearing, found that allotment of the 1958 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and has established allotments of such quota totaling 450,000 short tons, raw value, to be in effect until allotments of the 1958 sugar quota for the Mainland Cane Sugar Area are prescribed (22 F. R. 11025).

Notice is hereby given that a public hearing will be held at New Orleans, Louisiana, in the Robert E. Lee Room of the Monteleone Hotel on February 25, 1958, at 10:00 a. m., c. s. t., for the purpose of receiving evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the above-mentioned quota for the calendar year 1958 among persons who market sugar processed from sugarcane produced in the Mainland Cane Sugar Area. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or change the finding which has been made with respect to necessity for allotment and make or withhold allotment of any such quota in accordance therewith.

In addition, the subject and issues of this hearing also include (1) the manner in which consideration should be given to the statutory factors as provided in section 205 (a) of the act, and (2) provision for the transfer of allotments under circumstances of a succession of interest.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the quota or proration thereof for the purposes of (1) giving effect to any increase, or decrease, in the quota resulting from a change in United States sugar requirements or from the proration of a deficit of another area; (2) prorating any deficit in the allotment for any allottee; and (3) substituting final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of the quota.

Issued this 22d day of January 1958.

[SEAL] CLARENCE L. MILLER,
Acting Administrator,
Commodity Stabilization Service.

[F. R. Doc. 58-589; Filed, Jan. 24, 1958; 8:49 a. m.]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 327]

ASSESSMENTS

NOTICE OF PROPOSED RULE MAKING

The Board of Directors of the Federal Deposit Insurance Corporation is considering amending § 327.1 (d) of the Corporation's rules and regulations (12 CFR 327.1 (d)) which relates to cash items eligible for deduction. Section 327.1 (d) (2) (v) and (vi) thereof now provide that no deduction may be made or claimed for drafts drawn and delivered or exchanged for the purpose of reducing the assessment base or for any cash item drawn by an officer, director, stockholder or affiliate of the reporting bank, or any person or corporation at its, his, or their suggestion or direction for the purpose of abnormally increasing the deposits on the base day or for the purpose of obtaining abnormal deductions. Provision is made therein that the length of time such funds remain on deposit will be a factor in determining their purpose. Under such provisions and Assessment Decision No. 102, Instruments Drawn for the Purpose of Abnormally Increasing Deposits or Deductions (12 CFR 327.202), insured banks are not permitted to claim as deductions or subtract any instruments designed to abnormally increase deposits or deductions on assessment base days.

The proposed amendment would read as follows:

Section 327.1 (d) is amended by redesignating the present subparagraph (3) thereof as subparagraph (4) and by redesignating subdivisions (v) and (vi) of subparagraph (2) as subparagraph (3) and amending subparagraph (3) to read as follows:

(3) Any instrument providing for the payment of money, which is paid or credited to a deposit account and which is determined by the Corporation to have been received for the purpose of abnormally increasing deposits or reducing assessments with deductions on any assessment base day, is not a cash item as defined in this part, as it is not received in the usual or regular course of business; however, where such an instrument has been credited to a deposit account and included in reported deposit liabilities and is in the process of collection at the close of business on said base day, it may be substracted in its actual amount from reported deposits in computing the assessment base. If the bank computes its deductions under the (aa) method prescribed in section 7 (a) of the Federal

Deposit Insurance Act, such instrument may not be subtracted unless it is also received on the base day nor may it be multiplied by two. This applies to all instruments which are so determined to have been received for such purpose and includes, without being limited to, drafts drawn and delivered or exchanged between banks, and instruments drawn by an officer, director, stockholder, or affiliate of the reporting bank, or by any other person or corporation. When substantially the same amount as the credit given for any such instrument or instruments is withdrawn from a deposit account of the depositor in the reporting bank within a short period thereafter, then such instrument or instruments shall be deemed to have been received for such purpose and not in the usual or regular course of business in the absence of clear and convincing evidence to the contrary. The Board of Directors, upon written request of any bank, will review any determination made hereunder.

This notice is published pursuant to section 4 of the Administrative Procedure Act and Part 302 of the Corporation's rules and regulations (12 CFR Part 302). The proposed amendment is authorized under the authority cited at Part 327 of the Corporation's rules and regulations (12 CFR Part 327).

To aid in the consideration of the proposed amendment, the Board of Directors will be glad to receive any data, views or comments pertaining to the proposed amendment which are submitted in writing by any interested person to the Secretary, Federal Deposit Insurance Corporation, Washington 25, D. C., to be received not later than thirty days after the date of publication hereof in the FEDERAL REGISTER.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
Secretary.

[F. R. Doc. 58-653; Filed, Jan. 24, 1958; 8:53 a. m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

DEPARTMENT OF AGRICULTURE OF STATE OF CALIFORNIA

AUTHORIZATION FOR INSPECTION OF LIVESTOCK

The Department of Agriculture of the State of California, pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 217a), has filed a written application with the Secretary of the United States Department of Agriculture for authority to act as an official livestock inspection agency with respect to livestock originating in or shipped from the State of California. It is found that the applicant is a department of the State of California, that branding and marking of livestock as a means of establishing ownership prevails by custom or statute in said State, that no other application of a similar nature has been filed with the United States Department of Agriculture, and that it is necessary to authorize the Department of Agriculture of the State of California to charge and collect a reasonable and nondiscriminatory fee at posted stockyards which are subject to the provisions of the act for the inspection of brands, marks, and other identifying characteristics of livestock originating in or shipped from the State of California for the purpose of determining the ownership of such livestock.

Therefore, after consideration of such application and all data, views and arguments submitted as a result of the notice of proposed rule making in connection therewith published in the FEDERAL REGISTER on December 21, 1957 (22 F. R. 10472), and pursuant to the provisions of section 317 of the Packers and Stockyards Act, 1921, as amended, the following authorization is granted to become effective 30 days after publication in the FEDERAL REGISTER:

Authorization. The Department of Agriculture of the State of California is hereby authorized, with respect to livestock originating in or shipped from the State of California, to charge and collect, at those stockyards posted under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), at which the said Department of Agriculture of the State of California may register as a market agency to perform such inspection, reasonable and non-discriminatory fees for the inspection of brands, marks and other identifying characteristics of livestock for the purpose of determining the ownership of such livestock. Such charges as are authorized to be made under this authority shall be collected by the market agency or person receiving and disbursing the funds received from the sale of livestock with respect to the inspection of which such charge is made, and shall be paid by it to the said Department of Agriculture of the State of California. Such inspection charges and collection of fees shall be subject to the provisions of the Packers and Stockyards Act, 1921, as amended, and the regulations issued thereunder.

(7 U. S. C. 217a)

Done at Washington, D. C., this 22d day of January 1958.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator,
Agricultural Marketing Service.

[F. R. Doc. 58-580; Filed, Jan. 24, 1958; 8:47 a. m.]

Commodity Stabilization Service

[Amdt. 5]

MARKETING QUOTA REVIEW COMMITTEES

NOTICE OF ESTABLISHMENT OF AREAS OF VENUE

Notice of establishment of areas of venue for Marketing Quota Review Committees (22 F. R. 123, 1042, 1937, 2717, and 3765).

Pursuant to section 3 (a) (1) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1002) which requires that the field organization be published in the FEDERAL REGISTER, and § 711.11 of the Marketing Quota Review Regulations (21 F. R. 9365 and 9716), which provides for establishment of areas of venue for marketing quota review committees, notice is hereby given that areas of venue for the following States have been revised and established by the ASC State Committees as follows:

CALIFORNIA

Area II—Correction in spelling: Napa.

COLORADO

Counties of:

Area I—Cheyenne, Kit Carson, Lincoln, Logan, Phillips, Sedgwick, Washington, Yuma.

Area II—Adams, Arapahoe, Boulder, Douglas, Elbert, Jefferson, Larimer, Morgan, Park, Weld.

Area III—Baca, Bent, Chaffee, Crowley, Custer, El Paso, Fremont, Huerfano, Kiowa, Las Animas, Otero, Prowers, Pueblo, Teller.

Area IV—Alamosa, Archuleta, Conejos, Costilla, Dolores, La Plata, Montezuma, Rio Grande, Saguache.

Area V—Delta, Eagle, Garfield, Grand, Gunnison, Jackson, Mesa, Moffat, Montrose, Ouray, Pitkin, Rio Blanco, Routt, San Miguel.

GEORGIA

Counties of:

Area I—Banks, Bartow, Catoosa, Chattooga, Cherokee, Dade, Dawson, Fannin, Floyd, Forsyth, Franklin, Gilmer, Gordon, Habersham, Hall, Lumpkin, Murray, Pickens, Raburn, Stephens, Towns, Union, Walker, White, Whitfield.

Area II—Carroll, Clayton, Cobb, Coweta, Crawford, DeKalb, Douglas, Fayette, Fulton, Haralson, Harris, Heard, Henry, Lamar, Meriwether, Muscogee, Paulding, Pike, Polk, Spalding, Talbot, Taylor, Troup, Upson.

Area III—Baker, Calhoun, Chattahoochee, Clay, Decatur, Dougherty, Early, Grady, Lee, Macon, Marion, Miller, Mitchell, Quitman, Randolph, Schley, Seminole, Stewart, Sumter, Terrell, Thomas, Webster.

Area IV—Atkinson, Bacon, Ben Hill, Berrien, Brantley, Brooks, Charlton, Clinch, Coffee, Colquitt, Cook, Crisp, Dooly, Echols, Irwin, Lanier, Lowndes, Pierce, Tift, Turner, Ware, Wilcox, Worth.

Area V—Appling, Bryan, Bulloch, Camden, Candler, Chatham, Effingham, Emmanuel, Evans, Glynn, Jeff Davis, Jenkins, Liberty, Long, McIntosh, Montgomery, Screven, Tattnall, Telfair, Toombs, Treutlen, Wayne, Wheeler.

Area VI—Baldwin, Bibb, Bleckley, Butts, Dodge, Greene, Hancock, Houston, Jasper, Johnson, Jones, Laurens, Morgan, Monroe, Peach, Pulaski, Putnam, Twiggs, Washington, Wilkinson.

Area VII—Barrow, Burke, Clarke, Columbia, Elbert, Glascock, Gwinnett, Hart, Jackson, Jefferson, Lincoln, Madison, McDuffie,

Newton, Oconee, Oglethorpe, Richmond, Rockdale, Tallaferro, Walton, Warren, Wilkes.

ILLINOIS

Counties of:
Area XXI—Clinton, Monroe, St. Clair, Washington.
Area XXV—Jackson, Perry, Randolph.
Area XXVI—Franklin, Johnson, Williamson.
Area XXVII—Alexander, Pulaski, Union.

INDIANA

Counties of:
Area I—Elkhart, Jasper, Kosciusko, Lake, La Porte, Marshall, Newton, Porter, St. Joseph, Starke.
Area II—Adams, Allen, Blackford, De Kalb, Huntington, Jay, Lagrange, Noble, Steuben, Wells, Whitley.
Area III—Benton, Carroll, Cass, Fulton, Grant, Howard, Miami, Pulaski, Wabash, White.
Area IV—Boone, Clinton, Fountain, Hamilton, Montgomery, Parke, Tippecanoe, Tipton, Vermillion, Warren.
Area V—Delaware, Hancock, Hendricks, Henry, Madison, Marion, Randolph, Rush, Shelby, Wayne.
Area VI—Clay, Daviess, Gibson, Greene, Knox, Martin, Owen, Putnam, Sullivan, Vigo.
Area VII—Bartholomew, Brown, Clark, Floyd, Jackson, Johnson, Lawrence, Monroe, Morgan, Washington.
Area VIII—Dearborn, Decatur, Fayette, Franklin, Jefferson, Jennings, Ohio, Ripley, Scott, Switzerland, Union.
Area IX—Crawford, Dubois, Harrison, Orange, Perry, Pike, Posey, Spencer, Vanderburgh, Warrick.

MICHIGAN

Area IV—Correction in spelling: Gratiot county.

MINNESOTA

Area I—Correction in spelling: Carver county.

MISSISSIPPI

Counties of:
Area I—Alcorn, Benton, Itawamba, Lafayette, Lee, Marshall, Pontotoc, Prentiss, Tippah, Tishomingo, Union.
Area II—Chickasaw, Choctaw, Clay, Calhoun, Lowndes, Monroe, Oktibbeha, Montgomery, Carroll, Webster, Yalobusha, Grenada.
Area III—Attala, Kemper, Leake, Neshoba, Noxubee, Winston.
Area IV—Clarke, Jasper, Lauderdale, Newton, Scott, Smith.
Area V—Forrest, George, Greene, Hancock, Harrison, Jackson, Jones, Perry, Stone, Wayne.
Area VI—Covington, Jefferson Davis, Lamar, Lawrence, Marion, Pearl River, Simpson, Walthall.
Area VII—Adams, Amite, Franklin, Lincoln, Pike, Wilkinson.
Area VIII—Claiborne, Copiah, Hinds, Jefferson, Madison, Rankin, Warren.
Area IX—Holmes, Humphreys, Issaquena, Leflore, Sharkey, Sunflower, Washington, Yazoo.
Area X—Bolivar, Coahoma, DeSoto, Panola, Quitman, Tallahatchie, Tate, Tunica.

MISSOURI

Counties of:
Area I—Andrew, Atchison, Buchanan, Clinton, DeKalb, Gentry, Holt, Nodaway, Platte, Worth.
Area II—Caldwell, Carroll, Cass, Clay, Jackson, Johnson, Lafayette, Pettis, Ray, Saline.
Area III—Adair, Clark, Daviess, Grundy, Harrison, Livingston, Mercer, Putnam, Schuyler, Scotland, Sullivan.
Area IV—Chariton, Knox, Lewis, Linn, Macon, Marion, Monroe, Ralls, Randolph, Shelby.
Area V—Audrain, Boone, Callaway, Cole, Cooper, Howard, Lincoln, Moniteau, Montgomery, Pike.
Area VI—Bates, Benton, Camden, Cedar, Henry, Hickory, Miller, Morgan, St. Clair, Vernon.
Area VII—Crawford, Franklin, Gasconade, Jefferson, Maries, Osage, Phelps, Pulaski, St. Charles, St. Louis, Warren.
Area VIII—Barton, Dade, Dallas, Jasper, Laclede, Lawrence, Newton, Polk, Webster, Wright.
Area IX—Barry, Christian, Douglas, Greene, Howell, McDonald, Oregon, Ozark, Stone, Taney, Texas.
Area X—Bollinger, Carter, Dent, Iron, Madison, Perry, Reynolds, St. Francois, Ste. Genevieve, Shannon, Washington, Wayne.
Area XI—Butler, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard.

NORTH CAROLINA

Counties of:
Area I—Alleghany, Ashe, Avery, Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Swain, Transylvania, Watauga, Yancey.
Area II—Alexander, Burke, Cabarrus, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Polk, Rutherford, Stanly, Union, Wilkes.
Area III—Anson, Davidson, Davie, Forsyth, Guilford, Montgomery, Randolph, Richmond, Rockingham, Rowan, Stokes, Surry, Yadkin.
Area IV—Alamance, Caswell, Chatham, Durham, Franklin, Granville, Orange, Person, Vance, Wake, Warren.
Area V—Beaufort, Bertie, Camden, Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde, Martin, Nash, Northampton, Pasquotank, Perquimans, Pitt, Tyrrell, Washington, Wilson.
Area VI—Carteret, Craven, Duplin, Greene, Johnston, Jones, Lenoir, Onslow, Pamlico, Wayne.
Area VII—Cumberland, Harnett, Hoke, Lee, Moore, Sampson.
Area VIII—Bladen, Brunswick, Columbus, New Hanover, Pender, Robeson, Scotland.

NORTH DAKOTA

Counties of:
Area I—Burke, Divide, McKenzie, Williams.
Area II—McLean, Mountrail, Renville, Ward.
Area III—Bottineau, McHenry, Pierce, Rolette, Towner.
Area IV—Eddy, Foster, Sheridan, Wells.
Area V—Cavalier, Grand Forks, Pembina, Ramsay, Walsh.
Area VI—Benson, Griggs, Nelson, Steele, Traill.
Area VII—Adams, Billings, Bowman, Golden Valley, Slope.
Area VIII—Dunn, Grant, Hettinger, Stark.
Area IX—Burleigh, Mercer, Morton, Oliver, Sioux.
Area X—Emmons, Kidder, Logan, McIntosh.
Area XI—Barnes, Dickey, LaMoure, Stutsman.
Area XII—Cass, Ransom, Richland, Sargent.

OHIO

Counties of:
Area I—Erie, Fulton, Henry, Huron, Lucas, Ottawa, Sandusky, Seneca, Wood.
Area II—Ashland, Coshocton, Holmes, Knox, Lorain, Muskingum, Richland, Tuscarawas, Wayne.
Area III—Ashtabula, Cuyahoga, Geauga, Lake, Mahoning, Medina, Portage, Summit, Trumbull.
Area IV—Defiance, Mercer, Paulding, Van Wert, Williams.
Area V—Allen, Auglaize, Hancock, Putnam.
Area VI—Crawford, Delaware, Franklin, Licking, Madison, Marion, Morrow, Union, Wyandot.
Area VII—Champaign, Clark, Darke, Greene, Hardin, Logan, Miami, Montgomery, Shelby.
Area VIII—Brown, Butler, Clermont, Clinton, Fayette, Hamilton, Preble, Warren.
Area IX—Adams, Highland, Pike, Pickaway, Gallia, Jackson, Lawrence, Ross, Scioto.
Area X—Athens, Fairfield, Hocking, Meigs, Monroe, Morgan, Noble, Perry, Vinton, Washington.
Area XI—Belmont, Carroll, Columbiana, Guernsey, Harrison, Jefferson, Stark.

PENNSYLVANIA

Counties of:
Area I—Allegheny, Beaver, Butler, Crawford, Erie, Forest, Lawrence, Mercer, Venango, Warren, Washington.
Area II—Armstrong, Cameron, Centre, Clarion, Clearfield, Clinton, Elk, Indiana, Jefferson, McKean, Potter.
Area III—Bedford, Blair, Cambria, Fayette, Fulton, Greene, Huntingdon, Mifflin, Somerset, Westmoreland.
Area IV—Adams, Chester, Cumberland, Dauphin, Delaware, Franklin, Juniata, Lancaster, Perry, York.
Area V—Bradford, Lackawanna, Lycoming, Montour, Northumberland, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming.
Area VI—Berks, Bucks, Carbon, Columbia, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Pike, Schuylkill.

SOUTH DAKOTA

Counties of:
Area I—Butte, Corson, Dewey, Harding, Lawrence, Meade, Perkins, Ziebach.
Area II—Bennett, Custer, Fall River, Haakon, Jackson, Jones, Mellette, Pennington, Shannon, Todd, Washabaugh.
Area III—Aurora, Bon Homme, Brule, Buffalo, Charles Mix, Douglas, Gregory, Lyman, Tripp, Yankton.
Area IV—Clay, Davison, Hanson, Hutchinson, Lincoln, McCook, Moody, Minnehaha, Turner, Union.
Area V—Brookings, Clark, Codington, Day, Deuel, Grant, Hamlin, Marshall, Roberts.
Area VI—Beadle, Hand, Hyde, Jerauld, Kingsbury, Lake, Miner, Sanborn, Spink.
Area VII—Brown, Campbell, Edmunds, Faulk, Hughes, McPherson, Potter, Stanley, Sully, Walworth.

TEXAS

Counties of:
Area XXV—Comanche, Erath, Hood, Palo Pinto, Somervell.
Area XLIV—Chambers, Galveston, Hardin, Harris, Jefferson, Liberty, Orange.
Area XLVII—Correction in spelling: McMullen.

VIRGINIA

Area I—Correction in spelling: Prince George.
Area II—Correction in spelling: Prince Edward.

WISCONSIN

Counties of:
Area I—Calumet, Columbia, Dane, Dodge, Door, Fond du Lac, Green, Green Lake, Jefferson, Kewaunee, Kenosha, Manitowoc, Marquette, Milwaukee, Ozaukee, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha, Waushara, Winnebago.
Area II—Adams, Buffalo, Clark, Chippewa, Crawford, Dunn, Eau Claire, Grant, Iowa, Jackson, Juneau, LaCrosse, Lafayette, Monroe, Pepin, Richland, Sauk, Trempealeau, Vernon, Wood.
Area III—Ashland, Barron, Bayfield, Brown, Burnett, Douglas, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Marinette, Oconto, Oneida, Outagamie, Pierce, Polk, Portage, Price, Rusk, St. Croix, Sawyer, Shawno, Taylor, Vilas, Washburn, Waupaca.

(Sec. 3, 60 Stat. 238; 5 U. S. C. 1002. Interprets or applies sec. 363, 52 Stat. 63, as amended; 7 U. S. C. 1363)

Done at Washington, this 21st day of January 1958. Witness my hand and the seal of the Department of Agriculture.

[SEAL] WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F. R. Doc. 58-591; Filed, Jan. 24, 1958; 8:49 a. m.]

Office of the Secretary

NEBRASKA

DESIGNATION OF COUNTIES IN GREAT PLAINS CONSERVATION PROGRAM

Designation of counties within the Great Plains Area of the ten Great Plains States where the Great Plains Conservation Program is specifically applicable

For the purpose of making contracts based upon an approved plan of farming operations pursuant to the Act of August 7, 1956 (70 Stat. 1115-1117), the following counties of the following State are designated as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors.

NEBRASKA

Adams.	Hall.
Blaine.	Holt.
Boyd.	Keyapaha.
Brown.	Rock.
Cherry.	Thomas.

Done at Washington, D. C., this 22d day of January 1958.

[SEAL] E. L. PETERSON,
Assistant Secretary.

[F. R. Doc. 58-581; Filed, Jan. 24, 1958; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

BAREBOAT CHARTERS OF CERTAIN GOVERNMENT-OWNED, WAR-BUILT, DRY-CARGO VESSELS

NOTICE OF TERMINATION

Notice of annual review of bareboat charters covering the following Government-owned, war-built, dry-cargo vessels to be made in January, 1958, appeared in the FEDERAL REGISTER issue of January 3, 1958 (23 F. R. 58), in which comments were invited as to the justification for continuing or discontinuing said charters.

The Federal Maritime Board has determined that conditions do not exist justifying the continuance of the charters of the following listed vessels beyond the dates of expiration of the charters:

Name of Vessel, Charterer, Date Charter Expires

"Swarthmore Victory", Pacific Far East Line, Inc., February 4, 1958.
"Bowdoin Victory", American President Lines, Ltd., February 5, 1958.
"Casimir Pulaski", American Coal Shipping, Inc., February 10, 1958.
"Paine Wingate", American Export Lines, Inc., February 12, 1958.
"Great Falls Victory", Pacific Far East Line, Inc., February 12, 1958.
"Clovis Victory", States Marine Corp., February 12, 1958.
"Walter Hines Page", American Coal Shipping, Inc., February 16, 1958.
"August Belmont", American Export Lines, Inc., February 19, 1958.
"Marquette Victory", Isbrandtsen Company, Inc., February 21, 1958.
"Xavier Victory", Isbrandtsen Company, Inc., February 21, 1958.

Redelivery of the "Whittier Victory" and the "CCNY Victory" has been tendered to the Maritime Administration.

Dated: January 22, 1958.

By order of the Board.

JAMES L. PIMPER,
Secretary.

[F. R. Doc. 58-584; Filed, Jan. 24, 1958; 8:48 a. m.]

Office of the Secretary

R. CHESTER REED

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of January 18, 1956, 21 F. R. 340; July 20, 1956, 21 F. R. 5463; January 15, 1957, 22 F. R. 293; July 23, 1957, 22 F. R. 5846.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of January 4, 1958.

Dated: January 16, 1958.

R. CHESTER REED.

[F. R. Doc. 58-582; Filed, Jan. 24, 1958; 8:48 a. m.]

RAYMOND E. HEBERT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of January 23, 1957, 22 F. R. 461; July 23, 1957, 22 F. R. 5846.

A. Deletions: None.
B. Additions: Magna Theatre Inc.

This statement is made as of January 11, 1958.

Dated: January 14, 1958.

RAYMOND E. HEBERT.

[F. R. Doc. 58-583; Filed, Jan. 24, 1958; 8:48 a. m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-65]

ACF INDUSTRIES, INC.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that no request for formal hearing having been filed following filing of notice of the proposed action with the Federal Register Division the Atomic Energy Commission on January 17, 1958, issued License No. XR-17 to ACF Industries, Incorporated authorizing the export of a 20,000 kilowatt tank-type materials testing and research reactor to Reactor Centrum Nederland, the Hague, Netherlands. The notice of proposed issuance of this license was published in the FEDERAL REGISTER on January 1, 1958, 23 F. R. 17.

Dated at Germantown, Md., this 17th day of January 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-568; Filed, Jan. 24, 1958; 8:45 a. m.]

[Docket No. 50-86]

GENERAL ELECTRIC CO.

NOTICE OF ISSUANCE OF FACILITY EXPORT LICENSE

Please take notice that no request for formal hearing having been filed following filing of notice of the proposed action with the Federal Register Division the Atomic Energy Commission on January 16, 1958, issued License No. XR-18 to General Electric Company authorizing the export of a 3,000 kilowatt pool-type research reactor to Instituto Venezolano de Neurologia e Investigaziones Cerebrales, Caracas, Venezuela. The notice of proposed issuance of this license was published in the FEDERAL REGISTER on January 1, 1958, 23 F. R. 20.

Dated at Germantown, Md., this 16th day of January 1958.

For the Atomic Energy Commission.

H. L. PRICE,
Director,
Division of Licensing and Regulation.

[F. R. Doc. 58-569; Filed, Jan. 24, 1958; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-6937 et al.]

T. H. MCELVAIN ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JANUARY 21, 1958.

In the matters of T. H. McElvain and Catherine McElvain, Docket No. G-6937; Shell Oil Company, Docket Nos. G-12050, G-12336, G-12351; Gulf Oil Corporation,[1] Docket No. G-12326; Forest Oil Corporation, Operator, et al.,[2] Docket No. G-12337; Pan American Petroleum Corporation, Operator, et al.,[3] Docket No. G-12341; Skelly Oil Company, Docket No. G-12347; Gulf Oil Corporation, Operator, et al.,[4] Docket No. G-12348; Sinclair Oil & Gas Company,[5] Docket No. G-12352; The Carter Oil Company, Docket No. G-12353; Hollandsworth Oil Company, Operator, et al., Docket No. G-12355; Champlin Oil & Refining Co.,[6] Docket No. G-12356; Peerless Oil and Gas Company, Docket No. G-12370; Honaker-Davis

See footnotes at end of document.

Drilling Company, Operator, et al.,[7] Docket No. G–12395; Morris Anisman,[8] Docket No. G–12402; Texas Gulf Producing Company, Docket No. G–12449; E. B. Williams, Sr., Docket No. G–12509; Lampton O. Williams, Docket No. G–12510; E. B. Williams, Jr., Docket No. G–12511; Robert Gordon Williams, Docket No. G–12512; Sun Oil Company, Docket No. G–12513; Fred Whitaker, Operator, et al.,[9] Docket No. G–12517; Rip C. Underwood, Operator, et al.,[10] Docket No. G–12521; The Globe Oil and Refining Co., Docket No. G–12615; Earl Carlton, Inc., Operator, et al.,[11] Docket No. G–12640; Edwin L. Cox,[12] Docket No. G–12716; Clark and Cowden et al.,[13] Docket No. G–12722; Oil and Gas Property Management, Inc., Operator; and Beacon Building Corporation, D. Michael Curran and Joseph H. King,[14] Docket No. G–12769; The Atlantic Refining Company, Docket No. G–12988; Newman Brothers Drilling Company, Agent, Operator, et al.,[15] Docket No. G–12990; Clif Mock d. b. a. Clif Mock Company, Docket No. G–12991; Parker Petroleum Co., Inc., Operator, et al.,[16] Docket No. G–13001; Gulf Oil Corporation, Docket No. G–13004; Anson L. Clark et al.,[17] Docket No. G–13006; Northern Natural Gas Producing Company, Operator, Docket No. G–13012; Carter-Jones Drilling Company, Inc., Operator, et al.,[18] Docket No. G–13013; Holland-American Petroleum Corporation, Operator, et al.,[19] Docket No. G–13014; Fred Whitaker, Operator,[20] Docket No. G–13015.

Each of the above-designated parties, hereinafter referred to as Applicants, has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, which are on file with the Commission and open to public inspection.

Applicants produce, sell and propose to sell natural gas for transportation in interstate commerce for resale as indicated below.

Docket No. G–; Location of Field; and Buyer

6937; West Ignacio Field, La Plata County, Colo.; El Paso Natural Gas Company.

12050; Twomile Rush Creek Field, Weld County, Colo.; Kansas-Nebraska Natural Gas Company, Inc.

12326; Jalamat Field, Lea County, N. Mex.; El Paso Natural Gas Company.

12336; Riverside (South Mocane) Field, Beaver County, Okla.; Colorado Interstate Gas Company.

12337; Ellis-North Field, Acadia Parish, La.; United Fuel Gas Company.

12341, 12351; Fuhrman-Mascho Field, Andrews County, Tex.; Phillips Petroleum Company (for resale to Permian Basin Pipeline Company).

12347; Yoward Field, Bee County, Tex.; Texas Eastern Transmission Corporation.

12348; Nichols Field, Kiowa County, Kans.; Michigan Wisconsin Pipe Line Company.

12352; West Lisbon Field, Clairborne Parish, La.; Texas Gas Transmission Corporation.

12353; Mocane Field, Beaver County, Okla.; Colorado Interstate Gas Company.

12355; Woodlawn Field, Harrison County, Tex.; Mississippi River Fuel Corporation.

12356; Hugoton Field, Morton County, Kans.; Panhandle Eastern Pipe Line Company.

12370; East Noelke Field, Crockett County, Tex.; El Paso Natural Gas Company.

12395; Acreage in Barber County, Kans.; Cities Service Gas Company.

12402; Greenwood-Waskom Field, Caddo Parish, La.; Texas Eastern Transmission Corporation.

12449; Wemac Field, Andrews County, Tex.; El Paso Natural Gas Company.

12509, 12510, 12511, 12512; Pistol Ridge Field, Forrest Lamar and Pearl River Counties, Miss.; United Gas Pipe Line Company.

12513; Eureka Field, Grant and Alfalfa Counties, Okla.; Cities Service Gas Company.

12517; Carthage Field, Panola County, Tex.; Texas Gas Transmission Corporation.

12521; North Hansford Field, Hansford County, Tex.; Northern Natural Gas Company.

12615; Greenwood Field, Morton Company, Kans.; Colorado Interstate Gas Company.

12640; Turtle Bay Field, Chambers County, Tex.; Texas Eastern Transmission Corporation.

12716; Camrick Pool (Trimmell Unit #1 Well), Beaver County, Okla.; Natural Gas Pipeline Company of America.

12722; Doyle Field, Stephens County, Okla.; Lone Star Gas Company.

12769; Farnsworth Field, Ochiltree County, Tex.; Northern Natural Gas Company.

12988; Laverne Field, Harper County, Okla.; Colorado Interstate Gas Company.

12990; Greta Field, Refugio County, Tex.; Transcontinental Gas Pipe Line Corporation.

12991; Magnet Withers Field, Wharton County, Tex.; Tennessee Gas Transmission Company.

13001; Blackwell East (SE/4, Sec. 12, T27N, R1E), Kay County, Okla.; Frank E. Kirkpatrick, Jr. (for resale to Cities Service Gas Company).

13004; Southwest Camp Creek Field, Beaver County, Okla.; Colorado Interstate Gas Company.

G–13006; Katy Field, Garvin County, Okla.; Lone Star Gas Company.

13012; Hugoton Field, Grant County, Kans.; Northern Natural Gas Company.

13013; Tatum Field, Panola County, Tex.; Texas Eastern Transmission Corporation.

13014; Dunn Field, Live Oak County, Tex.; Texas Eastern Transmission Corporation.

13015; Tatum Field, Rush and Panola Counties, Tex.; Texas Eastern Transmission Corporation.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on February 18, 1958, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before February 14, 1958. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[1] Application covers proposed sale of gas pursuant to an amendatory agreement dated January 30, 1957, which adds additional acreage to a basic contract dated March 1, 1951, as amended.

[2] Forest Oil Corporation, Operator, is filing for itself and on behalf of 57 nonoperators listed in the application who own working interests in Daigle No. 2 Unit, All are signatory seller parties to the gas sales contract dated February 12, 1957. Production is limited to the Bathysiphon Zone.

[3] Pan American Petroleum Corporation (formerly Stanolind Oil and Gas Company), Operator, is filing for itself and on behalf of all nonoperators who do not negotiate separate gas sales contracts for the disposition of their proportionate shares of the production. Stanolind Oil & Gas Company (now Pan American Petroleum Corporation) is the only signatory seller party to the gas sales contract dated January 31, 1957.

[4] Gulf Oil Corporation, Operator, is filing for itself and lists the following owners of working interests: Gulf Oil Corporation, Operator; Falcon Seabord Drilling Company; Hobard McMillen and Herman A. Lennartz; and Sinclair Oil and Gas Company. Application covers proposed sale of low pressure casinghead gas to be sold pursuant to a ratification agreement dated February 4, 1957, of a basic contract dated January 17, 1956, between Gulf Oil Corporation, et al., Sellers, and Michigan-Wisconsin, Buyer. Gulf Oil Corporation, et al., authorized in Docket No. G–9991 covering sale of gas under basic contract.

[5] Sinclair Oil & Gas Company, Operator, is filing for itself and lists the following owners of working interests in the Kilgore and Griffin Units (production limited to the Haynesville Formation): Sinclair Oil & Gas Company, Operator; H. W. Klein and J. D. Caruthers; G. H. Vaughn Estate; G. H. Vaughn, Jr., J. C. Vaughn, E. H. Gunter and R. U. Maddox, as Trustees for Grady H. Vaughn, Jr., Trust No. 1, Grady H. Vaughn, Jr., Trust No. 2, Jack C. Vaughn, Trust No. 1, and Jack C. Vaughn, Trust No. 2; Wheless Drilling Company; Ray P. Oden and J. W. Baker. Application states that nonoperators have negotiated separate gas sales contracts to dispose of their proportionate shares of the production. In addition, the subject application covers the nonoperating working interest of Sinclair Oil & Gas Company in the following gas units: Duty Unit and Thomas-Kilgore Unit. Production from these units is limited to the Vaughn Sand. Sinclair Oil & Gas is the only signatory seller party to the gas sales contract dated February 19, 1957.

[6] Champlin Oil & Refining Co., Nonoperator, is filing for its interest in the Harman Gas Unit No. 1–34 and is the only signatory seller party to the gas sales contract dated January 2, 1957. The remaining working interest is owned by the operator, Panhandle Eastern, who is also the purchaser.

[7] Honaker-Davis Drilling Company, a partnership composed of Joe J. Honaker, Ruby Lee Honaker, H. C. Davis and H. S. Forbes, Operator, is filing for itself and on behalf of the non-operators as follows: Honaker Davis Drilling Company, Operator, and Hudson Gas & Oil Corporation; Cave Quillen Oil

Company; James D. Conway, G. S. Flagg; Frank Flagg, W. J. Finn, Arneda L. Nelson, Fred Steffens, J. H. Page, S. D. Ford, Jr., Hal Lainson, John Lainson, Joan Swan, C. L. Van Horn, Marion F. Schimmel, Claren Kerr, Kenneth Morrison, John P. McKnight, R. J. Kealy, Frank Kealy, S. D. Whiteman, Thos. Creigh, Jr., Juliana R. Minier, John R. Seberg, Elizabeth E. Marvel. The individual partners of the Honaker-Davis Drilling Company have each signed the gas sales contract dated March 12, 1957, and are the only signatory seller parties to said contract.

[8] Morris Anisman, Nonoperator, is filing for authorization to sell natural gas produced from his interest in the subject lease to be sold pursuant to a ratification agreement dated February 28, 1956, to a basic contract dated February 26, 1956, between Stanolind Oil and Gas Company (now Pan American Petroleum Corporation), Seller, and Texas Eastern, Buyer. Stanolind has been authorized in Docket No. G-10115 to sell gas under the basic contract. Applicant is a signatory party to the subject ratification agreement also signed by purchaser.

[9] Fred Whitaker, Operator, is filing for himself and on behalf of the following nonoperators: Lloyd Davidson, Joe B. Harris, Saxon Harris, W. D. McMahon, L. P. Martin, David Moore, W. H. Ray, H. B. Rhea, Charles Spangler, Alto Tatum, A. D. Anderson, James H. Campbell, Glen R. Johnson, Consolidated Construction Company, Roy Swicegood, R. B. Williams, Scooter's Drilling Service, Edward B. Lothrop and Jack Parker. All are signatory seller parties to the gas sales contract dated February 26, 1957.

[10] Rip C. Underwood, Operator, is filing for himself and on behalf of Gulf Oil Corporation, Nonoperator. Rip C. Underwood is the only signatory seller party to the gas sales contract dated April 19, 1957. Operator acquired on April 5, 1957, the subject acreage by assignment from Gulf Oil Corporation, which company retained the option to purchase a one-half interest in the gas rights and estates in any section on which a well is drilled. Said option was exercised with respect to a producing well drilled on the 461.25-acre lease located in Section 9, Block No. 2, Original Grantee, Public Free School Land, Hansford County, Texas, by letter dated May 2, 1957. The gas sales contract limits production to horizons between sea level and the top of the Mississippian Formation.

[11] Earl Carlton, Inc., Operator, is filing for itself and lists the following owners of working interests in the subject lease: Earl Carlton, Inc., Operator; William A. Parker. Earl Carlton, Inc., is the only signatory seller party to the gas sales contract dated March 18, 1957.

[12] Application covers proposed sale of natural gas pursuant to a ratification agreement dated February 22, 1957, of a basic contract dated February 21, 1955, as amended, between the Texas Company, Seller, and Natural Gas Pipeline Company of America, Buyer. The Texas Company has been authorized in Docket No. G-8820 to sell gas under the basic contract. Edwin L. Cox is a signatory seller party to the subject ratification agreement which has also been signed by purchaser.

[13] Clark & Cowden, a partnership composed of R. L. Clark and J. B. Cowden, is filing for itself and as agent for Mercury Drilling Company. Applicants, Nonoperators, request authorization to sell gas from their interest in production from the subject lease and are all signatory seller parties to the gas sales contract dated February 18, 1957. Production is limited to horizons from the surface of ground to base of Countyline Formation.

[14] Oil and Gas Property Management, Inc., Operator, and Beacon Building Corporation, D. Michael Curran and Joseph H. King, Nonoperators, are filing jointly for their individual interests in the natural gas to be sold to Northern. Each of the above-named Applicants has negotiated a separate gas sales contract, identical in terms and conditions (to which it is the sole signatory seller party) with Buyer. Production is limited to horizons above the Mississippi Limestone Zone.

[15] Newman Brothers Drilling Company, Operator, is filing as Agent for the following owners of working interests in the subject lease: J. Earle Brown; C. G. McCaleb; Gaylord H. Chizum; Ann Parker Davidson; Gloria Anderson Eckert; Austin W. Mosley, Trustee for John B. Newman Trust No. 1; and Austin W. Mosley, Trustee for John E. Newman, Jr., Trust No. 1. All owners of working interests are signatory seller parties to the ratification agreement dated April 29, 1957, of a basic contract dated November 1, 1949, between The Atlantic Refining Company, et al., Sellers, and Transcontinental, Buyer. The subject ratification agreement has also been signed by Buyer. Atlantic has been authorized in Docket No. G-4689 to sell gas under basic contract. It is noted that Newman Brothers Drilling Company, Operator, is not a working interest owner. Amendment filed showing percentage ownership in the subject lease and affidavit that Newman Brothers Drilling Company is acting as agent for working interest owners.

[16] Parker Petroleum Co., Inc., Operator, is filing for itself and on behalf of nonoperating owners of working interests as follows: Pete J. Gochis and/or Goldie Gochis; Charles E. Wolf; A. L. Short and Margaret Opal Short; Louise L. Erikson and Carl F. A. Erikson; Roy Lawrence; Mary W. Bottomly; Cecil D. Snyder; W. L. Jones, Jr.; John E. Jones; B. J. Bartcher and Eunice Bartcher; Wallace B. Roderick and Melba V. Roderick; Neal Jameson; and Parker Petroleum Company, Inc. Parker Petroleum Company, Inc., is a signatory seller party to the gas sales contract dated July 10, 1956, and the above-named individuals, except Eunice Bartcher, Melba V. Roderick, Louise L. Erickson, Goldie Gochis and Margaret Opal Short, are also signatory seller parties to the subject gas sales contract through the signature of Orville H. Parker who has signed the contract as Attorney-in-Fact for said individuals.

[17] Anson L. Clark, individually, and Alson L. Clark, Omar B. Milligan and Stanley B. Catlett, Trustees of the Florence B. Clark Estate, are filing jointly for their individual interests in production from the subject leases and are signatory seller parties to the gas sales contract dated December 13, 1956.

[18] Carter Jones Drilling Company, Operator, is filing for itself and on behalf of numerous nonoperators who own working interests in nine gas units. All interest owners and the percentage of working interest in each well are listed in the application. Subject gas is to be sold pursuant to a ratification agreement dated July 8, 1957, of a basic contract dated June 12, 1957, between Robert Cargill, Seller, and Texas Eastern, Buyer. The subject ratification agreement has been signed by both Carter Jones and Purchaser.

[19] Holland-American Petroleum Corporation, Operator, and 17 nonoperating owners of working interests in the subject properties are all signatory seller parties to the gas sales contract dated June 6, 1956. The names and percentages of ownership of such coowners are listed in the application.

[20] Fred Whitaker, Operator, is filing for himself and on behalf of numerous nonoperators who own working interests in five gas units. All interest owners and the percentage of working interest in each well are listed in the application. Application also covers Fred Whitaker's nonoperating interest in three additional units. Subject gas is to be sold pursuant to a ratification agreement dated June 25, 1957, of a basic contract dated June 12, 1957, between Robert Cargill, Seller, and Texas Eastern, Buyer. Applicant and Purchaser are both signatory parties to the subject ratification agreement.

[F. R. Doc. 58-575; Filed, Jan. 24, 1958; 8:46 a. m.]

[Docket No. G-13996]

SUNRAY MID-CONTINENT OIL CO.

AMENDMENT OF ORDER

JANUARY 21, 1958.

In the order for hearing and suspending proposed changes in rates, issued December 20, 1957, and published in the FEDERAL REGISTER on December 28, 1957 (22 F. R. 10971), corrected January 14, 1958 (23 F. R. 263), in the paragraph beginning "Supplement No. 1 * * *", after "occupation tax." the words "Supplement No. 1 to Rate Schedule No. 142 pertains to a periodic rate increase only." should be added.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F. R. Doc. 58-576; Filed, Jan. 24, 1958; 8:46 a. m.]

[Project No. 2240]

L. CEDRIC MACABEE

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JANUARY 21, 1958.

Public notice is hereby given that L. Cedric Macabee, of Palo Alto, California, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for a preliminary permit for proposed water-power Project No. 2240, to be known as the Yuba River Project and located on the Yuba River and its tributaries, the North Fork Yuba River and Middle Fork Yuba River, in Sierra, Nevada, and Yuba Counties, California, in the region of Downieville, Marysville, Nevada City, and Sacramento, and to consist of four storage dams and reservoirs aggregating gross capacity of 1,032,000 acre-feet, one diversion dam, four tunnels with aggregate length of 9.5 miles, and five powerhouses with total installed generating capacity of 566,400 horsepower, the proposed project features being more specifically described as follows: (1) Indian Valley Development, consisting of a concrete dam about 440 feet high located on North Fork Yuba River in the NW¼ of sec. 18, T. 19 N., R. 9 E., MDB & M; a reservoir with gross capacity of 282,000 acre-feet and maximum water-surface area of 1,560 acres at elevation 2660 feet; and a powerhouse integral with the dam with installed capacity of 63,600 horsepower; (2) Wambo Development, consisting of a concrete dam about 310 feet high located on North Fork Yuba River in the NW¼ of sec. 9, T. 19 N., R. 8 E., MDB & M; a reservoir with gross capacity of 70,000 acre-feet and maximum water-surface area of 665 acres at elevation 2,225 feet; a tunnel about 2.2 miles long between dam and powerhouse; and a powerhouse located in the SW¼ of sec. 7, T. 19 N., R. 8 E., MDB & M, with installed capacity of 77,200 horsepower; (3) Freeman Development, consisting of a concrete dam about 445 feet high located on Middle Fork Yuba River in the NE¼ of sec. 32, T. 18 N., R. 8 E., MDB & M; a reservoir with gross capacity of 240,000 acre-feet and maximum water-surface area of 1,800 acres at elevation

1,820 feet, and a tunnel about 1.9 miles long to divert Middle Fork water from Freeman Reservoir into New Bullards Bar Reservoir at a point in the NE¼ of sec. 25, T. 18 N., R. 7 E., MDB & M; (4) New Bullards Bar Development, consisting of a concrete dam about 485 feet high located on North Fork Yuba River in the NW¼ of sec. 25, T. 18 N., R. 7 E., MDB & M; a reservoir with gross capacity of 440,000 acre-feet and water-surface area of 3,000 acres at elevation 1,820 feet; and a powerhouse integral with the dam with installed capacity of 140,000 horsepower; and this development will inundate the existing Bullards Bars hydroelectric development of Pacific Gas and Electric Company located on North Fork Yuba River and licensed by the Commission as Project No. 187; (5) New Colgate Development, consisting of a concrete diversion dam about 70 feet high located on North Fork Yuba River in the NW¼ of sec. 25, T. 18 N., R. 7 E.; a small reservoir with water-surface area of about three acres at elevation 1,370 feet; a tunnel about 4.7 miles long between diversion dam and Colgate Powerhouse No. 2 which will be located on the Yuba River and in the SE¼ of sec. 16, T. 17 N., R. 7 E., MDB & M, and will have an installed capacity of 257,000 horsepower; and this development will supplement and is expected to be operated conjunctively with the existing unlicensed Colgate Tunnel and Powerhouse of the Pacific Gas and Electric Company located on the North Fork Yuba River and Yuba River and adjacent to corresponding units of the proposed New Colgate Development; and (6) Narrows No. 2 Development, consisting of a tunnel and penstock about 0.7 mile long from the existing Narrows Dam located on the Yuba River in the SW¼ of sec. 14, T. 16 N., R. 6 E., MDB & M, to Narrows Powerhouse No. 2 which will be located on Yuba River in the NW¼ of sec. 23, T. 16 N., R. 6 E., MDB & M and have an installed capacity of 28,600 horsepower; and this development will supplement, and is expected to be operated conjunctively with the existing Narrows Development of Pacific Gas and Electric Company licensed by the Commission as Project No. 1403.

No construction is authorized under a preliminary permit. A permit, if issued, merely gives permittee, during the period of the permit, the right to priority of application for license while the permittee undertakes the necessary studies and examinations, including the preparation of maps and plans, in order to determine the economic feasibility of the proposed project, the means of securing the necessary financial arrangements for construction, the market for the project power, and all other information necessary for inclusion in an application for license, should one be filed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is March 6, 1958. The application is on file with the Commission for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-577; Filed, Jan. 24, 1958; 8:47 a. m.]

[Docket No. G-3031 et al.]

ARKANSAS FUEL OIL CORP. ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

JANUARY 23, 1958.

In the matters of Arkansas Fuel Oil Corporation et al., Docket No. G-3031 et al.; Magnolia Petroleum Company, Docket No. G-12364.

Notice is hereby given that the application filed by Magnolia Petroleum Company in Docket No. G-12364 in the above-entitled proceeding and scheduled for a hearing to be held on January 27, 1958, at 9:30 a. m., e. s. t., is hereby severed therefrom and continued for hearing at a subsequent date to be set by further notice.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 58-645; Filed, Jan. 24, 1958; 8:51 a. m.]

OFFICE OF DEFENSE MOBILIZATION

[ODM (DPA) Request No. 21—DPAV-27 (c)]

REQUEST TO PARTICIPATE IN THE ACTIVITIES OF AN ARMY ORDNANCE INTEGRATION COMMITTEE ON ARTILLERY MECHANICAL TIME FUZES

Pursuant to section 708 of the Defense Production Act of 1950, as amended, there is published herewith the request to participate in the activities of an Army Ordnance integration committee in accordance with the Plan and Regulations of the Ordnance Corps Governing the Integration Committee on Artillery Mechanical Time Fuzes, as amended. The voluntary plan has been amended to extend membership eligibility in accordance with the Defense Production Act Amendments of 1955 and has been further amended to place the Integration Committee on Artillery Mechanical Time Fuzes in standby status, effective October 24, 1957, without authority to meet and without antitrust immunity, pending a finding by the Assistant Secretary of the Army (Logistics) and concurred in by the Director of the Office of Defense Mobilization that reactivation of the Committee is essential in the interest of national defense.

These amendments were made after consultations between the Attorney General, the Chairman of the Federal Trade Commission, and the Director of the Office of Defense Mobilization. This amended voluntary plan has been approved by the Director of the Office of Defense Mobilization and has been found to be in the public interest as contributing to the national defense.

CONTENTS OF REQUEST

Reference is made to the participation of your company in the activities of the Integration Committee on Artillery Mechanical Time Fuzes. The Department of the Army has advised me that the Committee has been inactive and has recommended that the Plans and Regulations of the Ordnance Corps covering its activities be amended to place the Committee in a standby status pending a national defense need for reactivation. You are requested to participate in the Plan as amended.

The Attorney General has approved this request after consultation with respect thereto between his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to section 708 of the Defense Production Act of 1950, as amended.

I approve the voluntary plan, as amended, and find it to be in the public interest as contributing to the national defense. You will become a participant therein upon notifying me in writing of your acceptance of this request. Will you kindly also send two copies of your acceptance to the Industrial Operations Branch, Procurement Division, Office of the Deputy Chief of Staff for Logistics, Department of the Army, Washington 25, D. C.

If you accept this request, immunity from prosecution under the Federal antitrust laws and the Federal Trade Commission Act will be given upon such acceptance, provided that the activities of the Committee and your participation therein are within the limits set forth in the voluntary plan, as amended. The earlier request extended by letter of ---------- is superseded and withdrawn.
(Date)

Your cooperation in this matter will be appreciated.

Sincerely yours,

GORDON GRAY,
Director.

The following companies have accepted the request to participate in the amended plan and this list supersedes membership notices published in 17 F. R. 2939, 18 F. R. 3700 and 19 F. R. 1376.

ACCEPTANCES

The George W. Borg Corporation, Delavan, Wis.
General Time Corporation, La Salle, Ill.
The E. Ingraham Company, Bristol, Conn.
King-Seeley Corporation, Ann Arbor, Mich.
The United States Time Corporation, Waterbury, Conn.

(Sec. 708, 64 Stat. 818, as amended; 50 U. S. C. App. Sup. 2158; Executive Order 10480, August 14, 1953, 18 F. R. 4939)

Dated: January 21, 1958.

GORDON GRAY,
Director.

[F. R. Doc. 58-585; Filed, Jan. 24, 1958; 8:48 a. m.]

JOHN D. YOUNG

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

None.

This amends statement previously published in the FEDERAL REGISTER, July 16, 1957 (22 F. R. 5617).

Dated: January 2, 1958.

JOHN D. YOUNG.

[F. R. Doc. 58-586; Filed, Jan. 24, 1958; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 414 (16 F. R. 7367), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations, 29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended.

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Aalfs-Baker Manufacturing Co., 1005-1007 Fourth Street, Sioux City, Iowa; effective 1-13-58 to 1-12-59 (ladies' and girls' jeans).

Albert of Arizona, 234 South Extension Road, Mesa, Ariz.; effective 1-1-58 to 12-31-58 (ladies' slips and petticoats).

B. C. J. Corporation, 5 John Street, Carbondale, Pa.; effective 1-20-58 to 1-19-59 (children's dresses).

Blue Bell, Inc., 626 South Elm Street and West Lee and Fuller Streets, Greensboro, N. C.; effective 1-21-58 to 1-20-59 (pedal pushers, shorts, Bermuda shorts, men's coveralls).

C & J Manufacturing Co., Eastman, Ga.; effective 1-11-58 to 1-10-59 (sport and dress shirts).

Colshire Manufacturing Co., Inc., Eljadid Street, Morgantown, W. Va.; effective 2-1-58 to 1-31-59 (men's pajamas).

Custom Sportswear, Inc., 10th and Spring Streets, Reading, Pa.; effective 1-8-58 to 1-7-59 (knitted outerwear for children).

Dickson City Garment Corp., Bowman and Dewey Streets, Dickson City, Pa.; effective 1-31-58 to 1-30-59 (children's apparel).

H. W. Gossard Co., Gwinn, Mich.; effective 1-3-58 to 1-2-59 (brassieres).

H. W. Gossard Co., Ishpeming, Mich.; effective 1-3-58 to 1-2-59 (ladies' foundation garments).

Hebron Pants Factory, Hebron, Md.; effective 2-4-58 to 2-3-59 (wash pants).

F. Jacobson & Sons, Inc., 127 Arch Street, Albany, N. Y.; effective 1-14-58 to 1-13-59 (men's suits).

F. Jacobson & Sons, Inc., Jay and River Streets, Troy N. Y.; effective 1-11-58 to 1-10-59 (men's shirts).

Kinoca Shirt Co., 501 North East Street, Kinston, N. C.; effective 1-3-58 to 1-2-59 (dress and sport shirts).

R. Lowenbaum Manufacturing Co., 2223 Locust Street, St. Louis, Mo.; effective 1-1-58 to 12-31-58 (junior dresses).

Mahanoy City Sportswear, Inc., 108-110 South Main Street, Mahanoy City, Pa.; effective 1-13-58 to 1-12-59 (men's sport shirts).

Manufacturers' Sportswear, Inc., Meadow at Maple Street, Scranton, Pa.; effective 1-6-58 to 1-5-59 (boys' trousers).

McKenzie Pajama Corp., McKenzie, Tenn.; effective 1-17-58 to 1-16-59 (pajamas).

Mode O'Day Corp., 840 12th Street, NW., Mason City, Iowa; effective 1-8-58 to 1-7-59; 10 percent of total number of factory production workers engaged in the manufacture of lingerie from woven fabric, for normal labor turnover purposes (ladies' lingerie).

Mt. Airy Pants Factory, Mt. Airy, Md.; effective 1-23-58 to 1-22-59 (work pants).

New Hebron Manufacturing Co., New Hebron, Miss.; effective 1-6-58 to 1-5-59. Learners may not be employed at special minimum wage rates in the production of separate skirts (shorts, pedal pushers, etc.)

Powellville Pants Factory, Powellville, Md.; effective 1-27-58 to 1-26-59 (work pants).

Publix Shirt Corp., Hazleton, Pa.; effective 1-23-58 to 1-22-59 (dress and sport shirts).

Reidbord Bros. Co., Lumber Street, Buckhannon, W. Va.; effective 1-8-58 to 1-7-59 (men's dress trousers).

Rhea Manufacturing Co., Bainbridge Division, Bainbridge, Ga.; effective 1-11-58 to 1-10-59. Learners may not be employed at special minimum wage rates in the production of separate skirts (misses' sportswear).

Philip Rothenberg & Co., Inc., Shellenberger Plant, McAlisterville, Pa.; effective 1-18-58 to 1-17-59 (dress and sport shirts).

Salant & Salant, Inc., First Street, Lawrenceburg, Tenn.; effective 1-20-58 to 1-19-59 (men's cotton work shirts).

Samsons Manufacturing Corp., 501 East Caswell Street, Kintson, N. C.; effective 1-22-58 to 1-21-59 (men's dress and sport shirts).

The Solomon Co., Leeds, Ala.; effective 1-6-58 to 1-5-59 (men's and boys' trousers).

Southland Manufacturing Co., Inc., Benson, S. C.; effective 1-25-58 to 1-24-59 (sport shirts).

Sussex Sportswear, Inc., 419 West Third Street, Lewes, Del.; effective 1-13-58 to 1-12-59. Learners may not be employed at special minimum wage rates in the production of separate skirts (ladies' blouses).

Willards Shirt Co., Willards, Md.; effective 1-29-58 to 1-28-59 (wash shirts).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Aalfs-Baker Manufacturing Co., LeMars, Iowa; effective 1-13-58 to 1-12-59; 10 learners (men's and boys' dungarees).

H. C. Beaver Manufacturing Co., Selinsgrove, Pa.; effective 1-8-58 to 1-7-59; 10 learners (men's and boys' jackets).

P. H. Hanes Knitting Co., Galax Plant, West Grayson Street, Galax, Va.; effective 1-3-58 to 1-2-59; 10 learners (knitted sport shirts).

Lark Dress Co., Fifth and Walnut Streets, Shamokin, Pa., effective 1-13-58 to 1-12-59; 10 learners (women's and misses' dresses).

L. Lawson Sons, Inc., 123 East Diaz Avenue, Nesquehoning, Pa.; effective 1-3-58 to 1-2-59; 10 learners (children's dresses).

Lucy Frocks, Inc., 208 North Main Street, Hillsboro, Kans.; effective 12-31-57 to 12-30-58; 10 learners (girls' dresses).

Morris Schwartz Garment Manufacturing Co., 63 Orange Avenue, Walden, N. Y.; effective 1-6-58 to 1-5-59; five learners (ladies' dusters and robes).

Shadowline, Inc., Boone, N. C.; effective 1-7-58 to 1-6-59; 10 learners (women's nightwear).

Stitchcraft, Inc., 393 Oconee Street, Athens, Ga.; effective 1-8-58 to 1-7-59; five learners (children's dresses).

Tennessee Overall Co., Inc., 401 North Atlantic Street, Tullahoma, Tenn.; effective 1-23-58 to 1-22-59; 10 learners (men's pants).

The Watson-Scott Co., Thomasville, Ga.; effective 1-20-58 to 1-19-59; eight learners (men's industrial uniforms).

The following certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Dee Vee Garment Manufacturing Co., Stanley, Va.; effective 1-8-58 to 7-7-58; 40 learners (dress pants).

Farah of Marfa, Inc., Marfa, Tex.; effective 1-3-58 to 7-2-58; 75 learners (dungarees).

Lerner Slone Clothing Corp., Broadway Extended, Forrest City, Ark.; effective 1-7-58 to 7-6-58; 10 learners (men's and boys' dress slacks).

Stanley Manufacturing Co., Manila, Ark.; effective 1-10-58 to 7-9-58; 25 learners. (Learners may not be employed at special minimum wages in the production of separate skirts.)

Cigar Industry Learner Regulations, 29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended.

Bayuk Cigars, Inc., Morgan Street, Selma, Ala.; effective 1-8-58 to 1-7-59; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupation of cigar machine operating for a learning period of 320 hours; in the occupations of packing (cigars retailing for 6 cents or less), machine stripping, and hand stripping each for a learning period of 160 hours. All at 80 cents an hour.

General Cigar Co., Inc., 715-25 North Fourth Street, Allentown, Pa.; effective 1-3-58 to 1-2-59; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes in the occupations of: (1) cigar machine operating for a learning period of 320 hours; (2) packing (cigars retailing for over 6 cent each) for a learning period of 320 hours; and (3) machine stripping for a learning period of 160 hours. All at 80 cents an hour.

General Cigar Co., Inc., Fifth and Hickory Streets, Mt. Carmel, Pa.; effective 1-3-58 to 1-2-59; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of: (1) cigar machine operating, and packing (cigars retailing for more than 6 cents each), each for a learning period of 320 hours; and (2) machine stripping for a learning period of 160 hours. All at 80 cents an hour.

General Cigar Co., Inc., 154 West Church Street, Nanticoke, Pa.; effective 1-3-58 to 1-2-59; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of: (1) cigar machine operating, and packing (cigars retailing for over 6 cents each), each for a learning period of 320 hours; and (2) machine stripping for a learning period of 160 hours. All at 80 cents an hour.

General Cigar Co., Inc., Robert Burns Drive, Philipsburg, Pa.; effective 1-3-58 to 1-2-59; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover

purposes, in the occupations of: (1) cigar machine operating for a learning period of 320 hours; and (2) packing (cigars retailing for 6 cents or less), and machine stitching, each for a learning period of 160 hours. All at 80 cents an hour.

General Cigar Co., Inc., 1301–11 Seventh Avenue, Huntington, W. Va.; effective 1–3–58 to 1–2–59; authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of: (1) cigar machine operating, and packing (cigars retailing for over 6 cents each), each for a learning period of 320 hours; and (2) hand stripping and machine stripping, each for a learning period of 160 hours. All at 80 cents an hour.

Hosiery Industry Learner Regulations, 29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended.

Childers Hosiery Mill, Inc., Hildebran, N. C.; effective 1–10–58 to 1–9–59; three learners for normal labor turnover purposes (seamless).

Durham Hosiery Mills, Plant No. 14, 189 South Corcoran Street, Durham, N. C.; effective 1–25–58 to 1–24–59; 5 percent of the total number of factory production workers for normal labor turnover purposes (full fashioned).

Van Raalte Co., Inc., Blue Ridge, Ga.; effective 1–25–58 to 1–24–59; five learners for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations, 29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended.

Albert of Arizona, Inc., 234 South Extension Road, Mesa, Ariz.; effective 1–1–58 to 12–31–58; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' slips and petticoats).

Mode O'Day Corp., 840 12th Street, NW., Mason City, Iowa; effective 1–8–58 to 1–7–59; 5 percent of total number of factory production workers engaged in the manufacture of lingerie from purchased knitted fabric, for normal labor turnover purposes (ladies' lingerie).

Selinsgrove Manufacturing Co., Inc., East Sherman Street, Selinsgrove, Pa.; effective 1–14–58 to 7–13–58; 30 learners for plant expansion purposes (ladies' sleepwear).

Selinsgrove Manufacturing Co., Inc., East Sherman Street, Selinsgrove, Pa.; effective 1–14–58 to 4–25–58; 10 learners for normal labor turnover purposes (replacement certificate) (ladies' sleepwear).

Shadowline, Inc., Morganton, N. C.; effective 1–15–58 to 1–14–59; 5 percent of total number of factory production workers for normal labor turnover purposes (women's lingerie).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Besco Manufacturing Co., Shaw, Miss.; effective 1–6–58 to 7–5–58; six learners for normal labor turnover purposes in the occupations of: sewing machine operator (seamstress), upholsterer, and frame and springer assembler (frame and spring up man), each for a learning period of 480 hours at rates of at least 80 cents an hour for the first 320 hours and not less than 85 cents an hour for the remaining 160 hours.

Cricketeer Manufacturing Corp., Harrodsburg, Ky.; effective 1–2–58 to 7–1–58; 50 learners for plant expansion purposes in the occupations of sewing machine operator, hand sewer, presser, finishing operations involving hand sewing; each for a learning period of 480 hours at rates of not less than 85 cents an hour for the first 280 hours and not less than 90 cents an hour for the remaining 200 hours (men's suits and sportswear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Notice is hereby given that pursuant to Section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 527 of the regulations issued thereunder (29 CFR Part 527) a special certificate authorizing the employment of student-workers at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act has been issued to the firm listed below. Effective and expiration dates, occupations, wage rates, number or proportion of student-workers as learners, and learning periods for the certificate issued under Part 527 are as indicated below.

Regulations Applicable to the Employment of Student-Workers, 29 CFR 527.1 to 527.9.

Hawaiian Mission Academy, 1438 Pensacola Street, Honolulu, T. H.; effective 1–13–58 to 8–31–58. The number of student-workers authorized to be employed, authorized occupations, length of learning periods and rates are as follows: 5 student-workers in print shop, in the occupations of compositor, pressman, bindery worker, and related skilled and semi-skilled occupations, for a learning period of 1,000 hours at rates of 80 cents an hour for 500 hours and 85 cents an hour for 500 hours; 1 student-worker employed in the occupations of typist, bookkeeper, and related skilled and semi-skilled occupations, for a learning period of 480 hours at rates of 80 cents an hour for 240 hours and 85 cents an hour for 240 hours.

This student-worker certificate was issued upon the applicant's representations and supporting material fulfilling the statutory requirements for the issuance of such certificate, as interpreted and applied by Part 527.

Signed at Washington, D. C., this 17th day of January, 1958.

MILTON BROOKE,
Authorized Representative of the Administrator.

[F. R. Doc. 58–574; Filed, Jan. 24, 1958; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JANUARY 22, 1958.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 34426: *Building boards—Southern points to western points.* Filed by O. W. South, Jr., Agent (SFA No. A3590), for interested rail carriers. Rates on boards, building, wall or insulating, carloads from Chalmette, Marrero, New Orleans, La., Mobile, Ala., Pensacola, Fla., Greenville, Johnsville, Laurel, Meridian, and Shows Field, Miss., and Macon, Ga., to points in western trunk-line territory, as described in the application in zones 2, 3, and 4.

Grounds for relief: Modified short-line distance formula, subject as minima, to rates to specified western points.

Tariff: Supplement 25 to Alternate Agent J. H. Marque's traiff I. C. C. 448.

FSA No. 34427: *Butadiene—Houston, Tex., to Institute, W. Va.* Filed by F. C. Kratzmeir, Agent (SWFB No. B–7197), for interested rail carriers. Rates on butadiene, tankcar loads from Houston, Tex., to Institute, W. Va.

Grounds for relief: Market competition.

Tariff: Supplement 122 to Agent Kratzmeir's tariff I. C. C. 4150.

FSA No. 34428: *Cement—Ada, Okla., to points in Texas.* Filed by F. C. Kratzmeir, Agent (SWFB No. B–7198), for interested rail carriers. Rates on cement, hydraulic, masonry, natural or portland, and dry building mortar, straight or mixed carloads, also concrete mixture, dry, carloads from Ada, Okla., to specified points in Texas.

Grounds for relief: Short-line distance formula.

Tariff: Supplement 35 to Agent Kratzmeir's tariff I. C. C. 4060.

FSA No. 34429: *Fine coal—Chesapeake and Ohio Railway mines to Florida points.* Filed by O. W. South, Jr., Agent (SFA No. A3591), for interested rail carriers. Rates on fine coal, carloads from mines on the Chesapeake and Ohio Railway in Kentucky and Virginia to Sutton and Tampa, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 52 to Agent Spaninger's tariff I. C. C. 1332.

FSA No. 34430: *Soy bean oil meal—Iowa and Minnesota to southern points.* Filed by W. J. Prueter, Agent (WTL No. A–1945), for interested rail carriers. Rates on soy (soja or soya) bean oil meal, carloads from specified points in Iowa and Minnesota to destinations in southern territory including the Florida peninsula.

Grounds for relief: Short-line distance formula, grouping.

Tariff: Agent Prueter's tariff I. C. C. A–4225.

FSA No. 34431: *Class rates from points east of the Rocky Mountains to Cedar City and Maryvale, Utah.* Filed by W. J. Prueter, Agent (TCBF No. 345), for interested rail carriers. Rates on various commodities moving on class rates under ratings provided in the uniform freight classification from points in Illinois, official, southern, southwestern, and western trunk-line territories to Cedar City and Maryvale, Utah, for propor-

tional application on traffic to the construction side of the Glen Canyon Dam at or near Page, Ariz.

Grounds for relief: Equalization of class rates via Flagstaff, Ariz., or Marysvale, Utah.

Tariffs: Supplement 26 to Agent Prueter's tariff I. C. C. 1578. Supplement 36 to Agent Prueter's tariff I. C. C. 1579.

FSA No. 34432: *Class rates between points east of the Rocky Mountains and points in Utah on the S. L. G. & W. Ry.* Filed by W. J. Prueter, Agent (WTL No. A–1959), for interested rail carriers. Rates on various commodities moving on class rates under ratings provided in the uniform freight classification between points in the United States east of the Rocky Mountains, on the one hand, and points on the Salt Lake, Garfield and Western Railway, in Utah, on the other.

Grounds for relief: Maintenance of through one-factor rates between points on S. L. G. & W. Ry., and eastern defined points comparable with those between other nearby Utah points and the same eastern points.

Tariff: Supplement 26 to Agent Prueter's tariff I. C. C. 1578.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 58–587; Filed, Jan. 24, 1958; 8:49 a. m.]